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THE GIFT OF

**REVIEW OF LABOR LEGISLATION OF 1908 AND 1909
STATE LABOR LAWS ENACTED SINCE JANUARY 1, 1908**

DEPARTMENT OF COMMERCE AND LABOR

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NOVEMBER, 1909.

REVIEW OF LABOR LEGISLATION OF 1908 AND 1909.

BY LINDLEY D. CLARK, A. M., LL. M.

INTRODUCTION.

The Twenty-second Annual Report of the Commissioner of Labor presented a compilation of the labor laws of the United States and of the various States and Territories in force at the close of the year 1907. The text of these laws was in the main reproduced in full, though those relating to a few subjects were presented in the form of digests and summaries (see pages 15 to 118 of the above-named report). The publication of current legislation in successive issues of the Bulletin of the Bureau has been discontinued, and enactments of the legislatures of 1908 and 1909 coming under the head of labor laws are published in the present Bulletin, making it, in effect, a supplement to the Twenty-second Annual Report. Any labor laws that may have been passed by the legislature of the Philippine Islands of 1909 are omitted, because their session laws were not available. Laws similar to those digested and summarized in the Twenty-second Annual Report have also been omitted for the most part in this Bulletin. It is the purpose of the present article to present in the form of a brief review the principal points of the labor legislation of the past two years, showing the changes in previous laws and indicating the trend of new or additional legislation.

As is natural to expect, there is a constant tendency toward uniformity in the legislation on any given subject, as well as toward the attainment of a generally higher standard. The effects of such a tendency may be observed in the legislation now under review, notably in connection with legislation on the subject of the liability of employers for injuries to their employees, child and woman labor, safety appliances on railroads, wage assignments, and employment offices both public and private.

In three States (Massachusetts, chap. 514,^a Michigan, No. 285, and New York, chap. 36) the legislatures of the current year revised and codified the labor law of the respective States, the first and last completely and the second to a less extent. Comparatively few changes were made in connection with these codifications, the work being principally that of consolidation. The changes made, where material, are noted under the proper heads under which the laws generally have been considered.

COMMISSIONS.

Laws of a temporary character were enacted in several States, in the years under consideration, providing for commissions on subjects directly connected with labor, the duties of such commissions being either to investigate the conditions of labor in some designated field and report thereon, or to draft laws to regulate employment in certain industries, or both. The subject of the liability of employers for injuries to employees and the proper compensation for such injuries was referred to such commissions in the States of Minnesota (chap. 286, 1909) and New York (chap. 518, 1909). In Minnesota the governor was directed to appoint a commission of three members, one an employer, one an employee, and the third a man "learned in the law," this commission to make investigations and recommendations looking toward the provision of a system of compensation for injuries to employees. The New York commission is comprised of fourteen persons, six of whom are appointed by the governor, three by the president of the senate from the membership thereof, and five by the speaker of the assembly from the lower legislative branch. This commission is charged with the duty of investigating the operations of the employers' liability law of the State, the working of similar laws of other States and countries, and the causes of accidents to employees, with a view to recommending legislation. The subjects of unemployment and of a better distribution of labor were also directed to be considered by this commission. In the same State another commission was appointed (chap. 210, 1908) for the purpose of investigating the condition, welfare, and industrial opportunities of aliens within the State.

A commission whose duty it is to recommend laws providing for the health, safety, and comfort of employees in factories, mercantile establishments, mills, and workshops was provided for by the legis-

^a References are, in most cases, to the serially numbered chapters or acts as published in the volumes of the session laws for the year. For a few States, however, references are to the page of the volume of laws, there being no consecutive numbering of the acts. The enactments of the Wisconsin legislature are arranged under section numbers, as of the Annotated Statutes of 1898.

lature of Illinois (joint res., p. 104, 1907-8). This commission consists of three employers, three employees, one man learned in the law, one a physician or a person familiar with the standards of sanitation, and one a representative citizen who is neither an employer nor an employee.

The regulation of working conditions in mines is the subject referred to commissions appointed under provisions of laws enacted by Arizona (chap. 36, 1909), Illinois (p. 55, 1909), and Ohio (p. 321, 1908). These commissions are to investigate the physical conditions controlling in mine labor and to propose laws for the better protection of those engaged therein. In this connection may be mentioned a direction given to the state geological, topographical, and agricultural survey of Kentucky (chap. 63, 1908) to investigate the subject of mines, gases, coal dusts, etc., so far as the means of the survey might permit. More general was the direction to the state board of health of California (chap. 59, 1909) to investigate the effect of employment on health.

EMPLOYERS' LIABILITY.

An unusual degree of attention has been given of late to the subject of liability of the employer for injuries to his employees, resulting mainly in the enactment of laws patterned on the general model of the British employers' liability law of 1880. This law had already been followed with varying degrees of closeness in seven jurisdictions of the United States. Laws of this nature, restricted in their application to common carrier railroad companies, were enacted in Michigan (No. 104, 1909) and in Texas (chap. 10, 1st extra sess. 1909); while laws of more general application were passed by the legislatures of Idaho (p. 34, 1909), Maine (chap. 258, 1909), New Jersey (chap. 83, 1909), and the Philippine Islands (No. 1874, 1908). These laws generally require a notice of the intention to bring suit to be given within periods varying in length from sixty to one hundred and fifty days, though the Michigan law merely prescribes that action must be commenced within two years from the time the cause thereof accrued; in the other States the period of limitation is one year. The common-law rights of injured employees are not affected, but the employer, under most of these laws, will not be allowed to offer the defenses of assumed risk and contributory negligence where there is a violation of any protective statute enacted for the benefit of employees.

Restrictions of the use of the customary defenses of employers in suits for damages by injured employees, i. e., fellow-service, assumption of risks, and contributory negligence, appear in a number of acts besides those above noted. Within this group are laws of Georgia (p. 160, 1909), Iowa (chaps. 124, 219, 1909), Massachusetts

(chaps. 553, 1908, and 363, 514, 1909), Mississippi (chap. 194, 1908), Ohio (p. 25, 1908), and South Dakota (chap. 117, 1909). The defense of fellow-service is abrogated by the Georgia statute in cases where the negligence of the company or any of its employees occasions a defect or insufficiency in any of its equipment whatever, by reason of which an employee suffers injury. This law is supplemental to an earlier enacted liability law of the State, Georgia having been the first of the United States to enact a law of the type of the British statute mentioned above. Of the Massachusetts statutes named above, the first two amend the law of that State, the first by prohibiting the defense of fellow-service in connection with the operation of elevated railways, cars, and trains, the same as in the operation of railroads generally; while the second extends the abrogation of this defense to cases where injury is caused by any locomotive, car, or train by reason of the negligence of any other employee of the corporation and not merely of those in charge of such equipment, as before. The Mississippi statute extends to employees of other corporations and individuals using engines, locomotives, or cars of any kind propelled by steam, electricity, gas, gasoline, or lever power, and running on tracks, the same rights as are enjoyed by employees of railroad corporations under an earlier law, by the abrogation of the defense of fellow-service in actions for injuries. The Ohio law abolishes the defense of fellow-service in actions for injuries caused by the operation of trains, engines, or cars.

The defense of assumed risks is taken away by the Georgia statute above cited in cases where the employer has failed to comply with statutes enacted for the safety of employees, if such failure contributed to the injury or death of the employee. The first of the Iowa statutes above cited includes a provision of like effect, while the second deprives the employer of this defense where he had knowledge of the defect causing injury, if it was his duty to remedy such defect, unless the injured employee was charged with the duty of making repairs. The Massachusetts statute of the current year cited above does not permit the defense of assumed risks where injury is caused by a defect which is not remedied within a reasonable time after report thereof; practically the same provision is contained in the South Dakota statute cited. The Ohio law declared the liability of railroad companies for injuries caused by defects in rolling stock, tracks, machinery, or appliances, proof of such defect being presumptive evidence of the employer's knowledge thereof; this statute further provided that the employee does not assume the risk of injury by reason of such defects, though continuing in service with knowledge thereof.

Contributory negligence as a defense is also abrogated by the law just mentioned in the situation indicated therein, as it is by the laws

of Iowa and of Georgia in cases where the injury is due to the employer's failure to comply with the statutes providing for safety. A doctrine of comparative negligence, according to which the contributory negligence of the employee is compared with the negligence of the employer, and in cases where the latter preponderates proportionate damages are awarded to the injured employee, has received considerable support in legislation of recent years. Of the laws mentioned above, those of Texas, Iowa, and Ohio embody this principle; and the Georgia statute contains it in a somewhat modified form. According to this statute lack of ordinary care on the part of the employee destroys his right to recover, though where death results from injury the burden of proof is on the employer to show that he exercised ordinary and reasonable care and diligence. Contributory negligence of an employee not amounting to a failure to exercise ordinary care will not defeat recovery for an injury due to the employer's negligence, though such contributory negligence will operate to diminish the amount of damages awarded by the jury.

Contracts of waiver are prohibited by this statute of Georgia, though an employer who has contributed to an insurance or benefit fund is entitled to a set-off corresponding to his contribution; such contracts are prohibited also by the statutes of Iowa and of Texas mentioned above, while a statute of Ohio (p. 71, 1908) and one of Maine (chap. 33, 1909) contain only this provision, the law of the former State relating only to railroad companies.

The idea of compensation for injuries was embodied in the act of the federal Congress of May 30, 1908, an amendment thereto (chap. 179, 1908-9), allowing the Isthmian Canal Commission to grant compensation to injured employees under its own rules for not more than thirty days per annum. The legislature of Massachusetts (sec. 136, chap. 514, 1909) authorizes employers to submit to the state board of conciliation and arbitration for approval plans for the compensation of injured employees. It is made lawful for employers to enter into contracts with their employees, under approved compensation plans, by which the employer is released from other liability than that provided for in the plan.

A state cooperative insurance fund for miners and mine laborers is arranged for under the provisions of an act of the Montana legislature (chap. 67, 1909). This act provides for contributions by employers on the basis of the tonnage of coal mined each month, employees contributing 1 per cent of their gross monthly earnings. The fund thus formed is to be controlled by state officials, payments on death to be paid to dependents in the amount of \$3,000. Provision is also made for injuries causing permanent disability by the payment either of monthly allowances or of a lump sum, such sum not to

exceed the amount specified as a death indemnity. Commencement of a suit at law to recover damages for injuries operates as a forfeiture of the right to benefits under this act.

Coming within this class of laws is one enacted by the Wisconsin legislature of 1909 (sec. 1950d) prescribing the basis of valuation for reserves in industrial sickness and accident insurance policies, the law being applicable to ordinary insurance, annuities, and sickness insurance.

ACTIONS FOR PERSONAL INJURIES.

A number of States amended their laws on this subject, which is of too general a character to be classed strictly as labor legislation, but the rights given by these laws are of such importance in connection with the recovery of damages for injuries caused by industrial accidents that they can not be overlooked entirely in this connection. In several of the employers' liability laws mentioned above specific provision is made for the rights of surviving dependents of employees whose death was caused by accident. A statute of Indiana (chap. 98, 1909) changes its law governing mine accidents by giving to the personal representative the right to sue, instead of to the widow, child, or other dependent in person. This act fixes the amount recoverable at a maximum of \$10,000, the recovery to be for the exclusive benefit of the widow, children, or next of kin. A South Dakota statute (chap. 301, 1909) fixes the same recovery and otherwise extends and particularizes the provisions of law applicable in such cases. The New York law on this subject is amended by adding a provision authorizing the appointment of an administrator to bring suit for injuries causing death, in cases where an executor under a will refuses to bring such action (chap. 221, 1909).

ACCIDENTS.

Reports of accidents in factories and mercantile establishments in the State of Connecticut are to be made to the factory inspector (chap. 150, 1909), who may investigate the causes and results of the accidents. The records are to be confidential, and no inspector may be a witness in a suit for damages unless he was present when the accident occurred. The Kansas statute (chap. 119, 1909) requires a report to the factory inspection department of accidents occurring in factories and other industrial establishments, and on railroads, public works, etc., where such accident causes loss of life or serious personal injury and is the result of "defects or faults in machinery, appliances, tools, scaffolding," etc., or of the motive power. So far as appears, it is left entirely with the employer to decide whether or not any given accident is caused by reason of such defects. Factory

inspectors may investigate, but no facts reported to them under the act may be used as evidence in any trial.

Laws requiring the reporting of accidents on railroads were enacted in California (chap. 312, 1909), Michigan (No. 300, 1909), South Dakota (chap. 75, 1909), Vermont (No. 116, 1908), and Washington (chap. 93, 1909). These reports are to be made to the railroad commissions of the various States, which may conduct investigations; in Vermont these may be public if deemed necessary. The Michigan and South Dakota commissions may order such changes as they deem advisable to avoid the recurrence of accident. In Indiana, railroad companies are to provide for accidents by furnishing every train run on their tracks with a medical emergency case. (Chap. 90, 1909.)

Statistics of accidents are to be furnished to the employees' compensation commission of Minnesota (chap. 234, 1909) and to the commissioner of labor of the same State (chap. 235, 1909), the data to include occupation, causes, nature, extent, wages, defenses, costs, damages obtained, or other mode of settlement, etc. Under the law first noted, reports are to be made by indemnity, casualty, and employers' liability insurance companies, while the reports to the commissioner of labor are to be made by employers.

NEGLIGENCE OF EMPLOYEES.

The negligence of employees of common carriers was the subject of legislation in Porto Rico (p. 92, 1908) and in Washington (secs. 274, 277, 280, 281, chap. 249, 1909). The law of Porto Rico extends the application of a former law, providing for the punishment of certain employees of railroad companies who caused death by their negligent acts, to the operation of steamboats, and also to other classes of persons than those named in the earlier law, including train dispatchers, telegraph operators, and other persons charged with the duty of dispatching or directing the movements of cars, trains, etc.; punishment is also provided for causing nonfatal injuries. The Washington statute penalizes negligence or violation of contract which endangers human life or safety; one of the offenses named in this statute is the acceptance of employment by a locomotive engineer who is unable to read time-tables and ordinary handwriting.

Intoxication while on duty is a specific form of negligence for which employees of common carriers may be punished according to section 275 of the chapter of the laws of Washington above cited, and by acts of the Alabama legislature (p. 63, special sess. 1909) and of that of Missouri (p. 450, 1909); both these latter laws cover the operation of street railways as well as of steam roads, while that

of Washington includes drivers on public streets. An Ohio statute coming within this class (p. 12, 1908) makes it unlawful to use intoxicants on any engine, car, or train propelled by steam or electricity, except in a dining car or buffet.

A Wyoming statute prohibited intoxicated persons from entering mines and smelters or the bringing in of intoxicants to those places. An act of the legislature (chap. 32, 1909) adds machine shops and sawmills to the places into which intoxicated persons may not enter, and logging and grading camps as places into which the carrying of liquor is forbidden. The California legislature (chap. 413, 1909) prohibited the sale of intoxicants within 4 miles of construction camps where twenty-five or more men are employed on any public or quasi public work or improvement, if such camps are situated more than a mile from the limits of an incorporated city or town. Existing saloons of six months' standing and wineries, breweries, and distilleries selling liquor where the same is manufactured are exempted from the provisions of the statute.

Though not strictly coming under the present head, a law of Minnesota (chap. 198, 1909) authorizing employers to forbid the sale of intoxicants to such of their employees as may be intemperate drinkers or habitual drunkards may yet be mentioned in this connection; so also an act of the New York legislature (chap. 291, 1909) which prohibits the employment of any person addicted to the excessive use of intoxicants for work in locks or compartments under air compression. In the last-named case, however, the object aimed at is no doubt the physical welfare of the employee himself rather than the menace of his employment to the safety of others.

BUREAUS OF LABOR.

Bureaus of labor were newly organized in Oklahoma (p. 499, 1907-8), Philippine Islands (No. 1868, 1908), and Texas (chap. 24, 1909). The South Carolina department of agriculture, commerce, and immigration was changed (Nos. 4 and 124, 1909) to a department of agriculture, commerce, and industries and charged with the duties of the collection of labor and other statistics, the inspection of factories, and the enforcement of child labor laws. The Oklahoma bureau is charged with the maintenance of a free public employment office, and private offices are to be licensed by the commissioner. The commissioner is to recommend to the governor for appointment a factory inspector, who shall, with the superintendent of the state board of health and the labor commissioner, formulate, publish, and enforce such rules as they may deem necessary for the sanitary regulation of factories and workshops. The Philippine bureau is charged with the enforcement of existing laws and the duty of promoting the

enactment of other legislation to improve the material, social, intellectual, and moral condition of workers. It is also to collect statistics of labor, to maintain free public employment offices, and to arrange for the adjustment of disputes between employers and employees. The commissioner of labor of Texas appears to be authorized to enter factories only on the written complaint of two or more persons or on a failure otherwise to obtain the information sought for statistical purposes. The Louisiana legislature (No. 155, 1908) changed the title of the commissioner of statistics of labor to commissioner of labor and industrial statistics, with much the same functions as were exercised under the earlier law. In Montana (chap. 70, 1909) the commissioner is directed to report on the industrial resources of the State, but is not to use his office in any way to further the importation of alien labor or laborers under contract, or of labor of any kind during industrial disputes.

The bureau of statistics of labor of Massachusetts has been superseded by a bureau of statistics (chap. 371, 1909), whose duty it is to collect and publish statistical information in general. This bureau is charged with the maintenance of free public employment offices, and is not otherwise, except in so far as it is concerned with the statistics of labor, a labor bureau.

A considerable number of States passed laws on this subject effecting minor changes in existing laws, principal among which are Michigan (No. 285, 1909), which fixed the maximum expenditure of its department at the annual sum of \$40,000, instead of \$10,000 as heretofore; Minnesota (chap. 497, 1909), which created in its bureau a women's and children's department with a female assistant commissioner at its head; and Washington (chap. 227, 1909), which provides for a female assistant commissioner to be appointed by the commissioner to enforce laws relative to female wage-earners.

A special investigation was ordered to be made by the labor bureau of California (chap. 134, 1909), statistics and other information regarding the Japanese in the State being the subject named, the object being to supply the governor with material for a report to the President of the United States and to Congress; while the Wisconsin bureau was directed (chap. 343, 1909) to collect data concerning unemployment and to seek to determine the causes thereof.

INSPECTION OF FACTORIES AND PROTECTION OF EMPLOYEES.

More than fifty separate laws were passed by the various legislatures within the past two years relative to this subject, not many of them, however, being of prime importance. The Oklahoma statute (p. 499, 1907-8) inaugurated a system of factory inspection for that State, providing for at least annual inspections to be made by an

inspector to be appointed by the governor on the recommendation of the commissioner of labor. Such inspector, the commissioner of labor, and the superintendent of the state board of health, constitute a body whose duty it is to "formulate, publish, and enforce such rules as they may deem necessary for the sanitary regulations of manufacturing institutions, factories, and workshops" in the State. The present law directs the safeguarding of dangerous machinery and of elevator shafts, and provides for the installation of fire escapes, for toilet rooms, for the lighting of halls, etc. The sending of workmen into steam boilers, fire boxes, etc., before the steam pressure is exhausted or the fire drawn is a practice at which a law of this State is directed (p. 647, 1907-8), the statute prohibiting the sending of any employee into the boiler, fire box, or smoke chamber of any steam boiler while the same is under steam pressure. The employee's knowledge of conditions is no defense in a prosecution under this act.

The inspection department of Colorado is made a distinct one in the bureau of labor of that State, the deputy commissioner being the chief inspector; of the three assistants provided for, one must be a woman (chap. 166, 1909). This law also provides for the installation of safety appliances, and makes proof of the failure to furnish the prescribed appliances evidence of the liability of a negligent employer in cases of injury or death of an employee caused thereby.

The commissioner of agriculture, commerce, and industries of South Carolina is authorized (No. 4, acts of 1909) to appoint two inspectors to examine provisions for safety and sanitation; they may also make investigations as to the employment of women and children.

An Illinois statute (p. 202, 1909) duplicates somewhat the existing laws of that State, none of which is formally repealed by the new law, though it makes large specific additions in the matter of requirements as to safety appliances, ventilation, and other sanitary details; it embodies in its final section a summary of its provisions, copies of which are to be posted in mercantile establishments, factories, mills, and workshops, for the information of all persons employed therein.

The general subject of inspection is affected by laws of Michigan (No. 285, 1909), Missouri (p. 331, 1909), and Tennessee (chap. 124, 1909). In the State first named, owners of factories are directed to sign inspection reports on the request of inspectors, at the completion of inspections made of their factories; where the employer refuses to do so, the affidavit of the inspector is to be accepted as evidence of service of any notice to make changes or otherwise comply with the law or the rules of the inspection department. The Missouri statute abolished the office of city factory inspector and directs the state factory inspector to perform the duties heretofore devolving upon the local officials. A change in the law of Ten-

nessee gives factory inspectors power to make arrests for violations of the factory laws of the State. A Mississippi statute (chap 99, 1908) provides for inspection by local health officers as to sanitary conditions where children are employed.

The amount of air required per employee in factories is fixed by an Illinois statute (p. 202, 1909) which provides that workrooms shall have at least 2,000 cubic feet of air space per person, with outside windows and doors, the area of which is at least one-eighth of the area of the floor; otherwise artificial ventilation shall be provided. Different standards of air space and air supply are fixed for workrooms having and not having oxygen-consuming lights, for workrooms having a specified area of outside windows and doors, and for workrooms having no outside windows and doors. A statute of Minnesota (chap. 499, 1909) makes 400 cubic feet of air space per employee the standard below which employers may not go without the written consent of the commissioner of labor, the absolute minimum being 250 feet; the same law requires special ventilation to be furnished where needed, and also the painting or whitewashing of workrooms where women or children are employed. In Missouri more efficient provisions were enacted for the carrying off of dust, smoke, and gases generated in manufacturing processes (p. 333, 1909), as well as for the better guarding of dangerous machinery (p. 502, 1909). The use of pure water for humidifying is the requirement embodied in a novel enactment of the Massachusetts legislature (chap. 325, 1908), which directs that the water used for this purpose shall not give rise to impure or foul odors, nor be so used as to endanger the health of employees.

In New York a new bureau was added to the department of labor, called the bureau of mercantile inspection, to have charge of employees in mercantile establishments in cities of the first class (chap. 520, 1908). Ten deputies are to act, two of these being females, and they may enforce not only the regulations prescribed by the laws of the State, but also any lawful municipal ordinance, by-law, or regulation not in conflict therewith. This law provides for a registry of children employed in stores, for wash and lunch rooms, restricts the employment of women and children in basements, and requires a copy of the law to be posted in establishments where there are employees affected by it.

Agricultural machinery is the subject of a statute of Wisconsin (secs. 1636-131 and 1636-131m, 1909), requiring the husking rollers of corn shredders to be guarded and directing the employment of a competent person to supervise the operation of corn shredders while in use. Another statute prohibits the sale of any machine for the purpose of sawing wood unless provided with reasonable safety devices, which must not be detached while the machine is in use (secs.

1636-136, ff, 1909). The operators of cotton factories and of establishments in which peanuts are cleaned are required by a Virginia statute (chap. 228, 1908) to supply at cost respiratory shields for the use of their employees while at work in situations where protection against the inhalation of dust is desirable.

In a number of States provision is made for safety in case of fire, most of them being in the nature of detailed directions for the installation of fire escapes to be constructed according to specifications given in the law. In Ohio, a life-saving device or net must be furnished in addition to other means of protection where a factory or shop is more than three stories in height (p. 83, 1908); while a North Carolina statute (chap. 637, 1909) requires a rope or portable fire escape for every twenty employees, in addition to other provisions for escape, in factories more than thirty feet high. In the Indiana amendment on this subject (chap. 118, 1909), the former provision as to the liability of the owners of buildings occupied for industrial purposes who failed to comply with the law was omitted.

A law that partakes very largely of the nature of a health law for the benefit of the general public is one relating to bakeries, confectioneries, and establishments generally in which articles of food are prepared or sold. This includes in some States canneries, slaughterhouses, dairies, markets, hotels, etc. The provisions relate to the sanitation and construction of workrooms, the painting or whitewashing of the walls and ceilings, the scrubbing of floors, the supply of cuspidors, provisions for suitable toilet rooms, and the prohibition of employees sleeping in any work or storage room and of the employment of workmen who have tuberculous or other infectious or contagious diseases. Rules are prescribed for the conduct of employees to secure their cleanliness as well as their health, so that it is clear that these laws may properly be included under the head of labor laws, even though their enforcement is committed to the state board of health or the food, drug, and dairy inspectors, as is the case in some of the States enacting these laws. Laws of the class above described were enacted in California (chap. 104, 1909), Indiana (chap. 163, 1909), Nebraska (chap. 68, 1909), New Jersey (chap. 231, 1909), and Tennessee (chap. 473, 1909). The Connecticut legislature (chap. 120, 1909) extended its former provisions of law, quite similar to the above, applicable to bakeries only, to confectionery, ice cream, and macaroni factories, other foodstuff factories, and to manufactories of tobacco and cigars. In Missouri an amendment to its former laws prescribes a day of rest for all employees in bakeries, such day to begin not later than 6 p. m. on Saturday, and the week's work to begin not earlier than 6 a. m. on Sunday (p. 864, 1909); underground rooms must be approved as sanitary before

used, separate sleeping rooms provided, and diseased employees excluded from service.

Other laws include a wide variety of provisions amendatory of existing laws, such as the substitution of graded fees for inspection instead of the uniform charge (Oregon, chap. 130, 1909), the appointment of additional inspectors, one of them to be a woman (New Jersey, chap. 273, 1908), a revision of the law controlling the manufacture of explosives, including other high explosives than those named in the former law, regulating transportation, etc. (Ohio, p. 211, 1908), and other changes of minor importance.

PROTECTION OF EMPLOYEES ON BUILDINGS.

It has been but a few years that the safety of employees on buildings has received legislative attention, but the list of States having laws on this subject has attained considerable length, three—Louisiana, Montana, and Oklahoma—being added thereto within the period covered by this review. The act of the Louisiana legislature (No. 264, 1908) calls for the installation of such devices as will protect workmen below from falling objects and requires safety rails to be placed on scaffolds, elevator shafts to be guarded, the adoption of signals for hoists, the construction of secondary scaffolds and protective floors, and the determination and observance of the loading capacity of joists during the construction of buildings. The law is restricted in its application to cities having a population of 30,000 and over. A Montana law on this subject (chap. 107, 1909) requires scaffolds to be safe and so built as to prevent material falling therefrom, protective shields to be erected above scaffolds if work is being carried on overhead, and that stairs and elevator ways be guarded. The Oklahoma statute (p. 519, 1907-8) relates to scaffolds, hoists, cranes, and stays, which shall be "safe and suitable;" and directs the construction of protective floors during the course of the erection of the building if the permanent floors are not laid before the erection of the succeeding story. The violation of this act incurs specific personal liability as well as a penalty.

The law of California on this subject is amended by a provision requiring protective floors to be laid when necessary for the safety of employees during the construction of buildings more than three stories in height, and the use of means to prevent objects from falling from scaffolds, etc. (chap. 107, 1909). The statute of Wisconsin is also amended by requiring protective floors to be laid within one tier of beams of the place of work instead of three, as in the earlier law, where fireproof floors are to be laid, and within one story instead of two in other buildings (sec. 1636-83).

MINE REGULATIONS.

Fourteen States enacted new or amendatory laws which may be considered under this head during the years 1908 and 1909, Oklahoma enacting its first law on this subject and Idaho doing practically the same. The Oklahoma statutes (p. 521, 1907-8, amended, p. 385, 1909; and p. 527, 1907-8, amended, p. 383, 1909) direct the preparation and furnishing of maps, prescribe methods of working, the provision of two exits, of travel ways around shafts, the supply of shields for mining machines, of speaking tubes, the supply of timbers, the installation of electric wires, the construction of shelter holes along travel ways, require wash rooms to be furnished, supplies to be provided for first aid in case of injury by accident, direct the employment of shot firers, and of mine foremen where more than ten workmen are employed, and regulate the construction and operation of hoists and the use of explosives. The weighing and screening of coal are regulated, and the employment of convicts in mines is prohibited. An inspector of mines is to be elected, and the State divided into three districts, each with an assistant inspector, such assistants also to be chosen by popular vote from and after 1910. The law of Idaho (p. 266, 1909) is adapted, of course, to the operation of mines of minerals other than coal, while the laws of Oklahoma relate principally to coal mining. The Idaho statute first makes provision for security in case of fire, both by prescribing the furnishing of extinguishers and by directing the installation of fire doors. New buildings, timber sheds, and the like are to be constructed only at a safe distance from the entrance to the mine, except where necessary as a protection against the snow. The collars of shafts and all openings in mines are to be safeguarded so as to prevent the falling of persons or objects therein; safety hoists are to be constructed according to prescribed requirements, and indicators furnished so that the engineer will be able to know at any time the exact location of the bucket, cage, or skip. Other provisions relate to the storage and use of explosives, storage of oils, and the employment of hoisting engineers, who must be at least 21 years of age, of proved experience and qualifications, and not addicted to the use of intoxicating liquors. Electric wires are to be insulated or otherwise properly guarded, a code of signals adopted, and prescribed means of exit arranged for.

Laws relating to mine inspectors were passed in several States, including Kentucky (chap. 59, 1908), Montana, (chap. 46, 1909), Nevada (chap. 176, 1909), Ohio (p. 106, 1908), and Wyoming (chaps. 58, 62, 122, 1909). The Kentucky statute provided for two additional inspectors in the State, and requires all inspectors to pass an examination to determine their competency before being appointed. In

Montana also the inspector must pass an examination before appointment, this provision being substituted for the earlier requirement of graduation from a school of mines. The Nevada law created the office of inspector of coal mines, the incumbent to have had seven years' experience in underground workings; he is given authority to enter and inspect mines, order changes, and to investigate accidents, and annual reports are required to be made to the governor of the State. The law of Ohio above cited provides for the appointment of three additional inspectors, making the number of inspectors and inspection districts 10, instead of 7 as before; the chief inspector must have had five years' experience and be acquainted with the uses and dangers of electricity in mines. The same act directs that at least quarterly inspections be made, instead of "as often as possible," as in the earlier law; a map or plan must also be furnished for each vein worked, and more efficient provisions were enacted for the securing of ventilation. This law also directs that shaft men be employed to attend hoists, that self-dumping cages be not used unless they can be securely locked, and that shelter holes be furnished for the use of door boys. The Wyoming statutes reduced the terms of mine inspectors from six years to two, and located their offices in their inspection districts instead of at the state capital; inspectors are made police officers with power to make arrests for violations of the mine laws, and may order workings closed if their directions are not complied with. Detailed annual reports are required, covering the subject of inspections made, accidents, their causes and remedies, and suggested methods for the safe operation of mines.

Other statutes were enacted covering a variety of details connected with the operation of mines, the use of explosives, the handling of workmen, etc. Thus a statute of Kansas (chap. 175, 1909) regulates blasting, prohibiting the use of dynamite except under rules agreed upon by employers and employees and approved by the state mine inspector; employees are not to be sent into any sinking shaft or development work after a charge of dynamite or other detonating explosive has been fired, until the smoke and gases are removed. Another statute of this State (chap. 174, 1909) directs the sprinkling or removal of dust from mines, requires all drill cuttings to be removed at least 15 feet before shots are fired, and prohibits the use of coal drillings for tamping. Semiweekly inspections of ropes, cages, catches, brakes, etc., used for hoisting men are directed by a statute of Missouri (p. 695, 1909), the reports of such inspection to be recorded. Another statute of the same State (p. 696, 1909) requires shaft men to be employed where men are hoisted, regardless of the power used, instead of only where steam is used as a motive power, as provided in an earlier law.

Mine explosives are the subject of an Ohio statute (p. 55, 1908) which regulates the sale, storage, size of packages, and the locking and opening of boxes containing explosives used or to be used in mines; the tamping of charges and the firing of shots are also regulated by this law. Another statute of this State (p. 335, 1908) directs the insulation of electric wires and the installation of shields on mining machines. A Wyoming statute (chap. 106, 1909) provides for the sprinkling of dusty places, and the monthly removal of accumulations of dust, including slack, machine cuttings, and track cleanings.

The law of Pennsylvania is changed only by adding certain counties to the anthracite coal inspection districts of the State (No. 234, 1909), and by repealing (No. 236, 1909) the act of June 10, 1883, which prescribed the method of determining the amount of clean coal for which payment should be made to the miners.

The exclusive use of safety lamps, magnetic locked, air locked, or lead locked, is prescribed in gaseous mines in the State of Washington, except by superintendents, foremen, and certain designated employees, who may use other lamps of a type approved by the state mine inspector (chap. 55, 1909). Safety lamps are to be the property of the operator of the mine. Other laws of this State provide that weekly measurements of the quantity of air furnished for ventilation are to be made, and a record thereof kept (chap. 57, 1909); and amend the laws relative to maps, plans, etc., directing signboards to be placed at the intersection of ways, so as to indicate the most direct means of exit from the mines (chap. 117, 1909).

The New York legislature enacted a law (chap. 291, 1909) regulating employment in mines and tunnels, applicable chiefly to tunnel work where the employee is exposed to conditions induced by the compression of air. The hours of labor are regulated according to the degree of air pressure, ranging from eight hours with an interval in the open air of thirty minutes, if the pressure does not exceed 28 pounds to the square inch, to two hours when the pressure equals 46 pounds to the square inch and is less than 50 pounds; this period of two hours is to be divided into periods of one hour each with an interval of not less than four hours. Employment under a pressure of more than 50 pounds is prohibited except in case of emergency. Intermediate locks or stages of decompression must be provided for employees leaving work. Employees who have worked three months continuously in compressed air must be examined by a medical officer and may not again work unless shown to be physically qualified therefor; nor may an employee who has been absent from his work for three or more successive days for any cause be permitted to resume work without reexamination. All applicants for employment must be examined, and if they have not previously worked in compressed

air they shall not be permitted to work during the first twenty-four hours of employment more than one-half the period provided for in the section regulating the hours of labor. After this first day's work they must be reexamined and may not be permitted to work unless of approved physical condition. A medical lock and supplies, with a medical attendant in charge, must be maintained and be at all times available for the use of employees. Properly heated, lighted, and ventilated dressing rooms, with baths, toilets, and hot and cold water service, must be supplied.

RAILROADS.

A variety of laws was passed affecting employment on railroads, referring both to the subject of employees themselves and of the material conditions affecting them. Within the first class are laws of Georgia (p. 49, 1908) and of Texas (chap. 46, 1909), the former requiring locomotive engineers to have had an experience of three years as firemen or engineers or of four years in a railroad shop and one year as fireman, prior to employment; employment on yard engines is not within the application of the law. The latter law requires locomotive engineers to have served for three years as firemen or as locomotive engineers, while conductors of trains must have had two years' experience as brakemen or freight conductors. Several legislatures undertook to regulate the minimum number of men that should constitute a crew on railroad trains, either absolutely—Arkansas (No. 298, 1909), Indiana (chap. 25, 1909), Maryland (p. 71, 1908), Nebraska (chap. 98, 1909), Nevada (chap. 74, 1909), and Texas (chap. 100, 1909)—or by committing power to the state railroad commission to fix the number of such employees after a public hearing, as in Connecticut (chap. 219, 1909). The Maryland statute includes a provision that where an employee is killed or injured by a train operated contrary to the provisions of said law, if such violation contributed to the death or injury, the defenses of assumed risk and of contributory negligence shall be barred. The Indiana and Nevada statutes direct that flagmen shall have had at least one year's experience in train service.

Provision of safety appliances is directed by a statute of Minnesota (chap. 488, 1909), amending its previous law by adding the requirement of an equipment of power brakes and regulating the height of drawbars on locomotives; the act requires 75 per cent of the freight cars on any train to be furnished with a train-brake system and authorizes the rejection of cars of other roads not properly equipped. Employees do not assume the risk of injury by cars or locomotives not equipped as directed by this law. The Vermont statute (No. 104, 1908) requires power brakes on all trains carrying

passengers, instead of excepting mixed trains as previously. The Texas legislature enacted a law (chap. 26, 1909) relative to power brakes, automatic couplers, the height of drawbars, the equipment with grab irons, etc. The same provision is made as in the Minnesota statute as to the number of cars to be supplied with equipment, the rejection of foreign cars, and the abrogation of defenses.

The equipment of switch engines is the subject of statutes of Indiana (chap. 62, 1909), Iowa (chap. 126, 1909), and Washington (chap. 93, 1909). These laws relate to the provision of footboards, grab rails or rods, headlights at each end, etc. The Washington statute also directs that frogs, switches, and guard rails shall be blocked, and that all engines be equipped with headlights of approved design and capacity.

The subject of headlights on locomotives generally is dealt with in separate laws in Georgia (p. 50, 1908), Indiana (chap. 128, 1909), Montana (chap. 18, 1909), North Carolina (chap. 446, 1909), Oklahoma (p. 645, 1907-8), and South Dakota (chap. 27, 1909), the usual standard set being an electric or other headlight of 1,500 candlepower without the aid of a reflector. The Indiana law puts the subject of adequacy into the hands of the railroad commissioners. Ash pans that can be dumped or cleaned without requiring an employee to go under the locomotive for that purpose are required by laws of Indiana (chap. 106, 1909) and of Texas (chap. 28, 1909). Automatic bell ringers must be placed on all locomotive engines operating in the State of Indiana (chap. 178, 1909). The blocking of frogs, switches, and guard rails in a practical manner is required by the Kansas statute (chap. 188, 1909), each thirty days' failure to comply with the law being a separate offense. In South Dakota (chap. 212, 1909) good and sufficient switch lights must be installed.

The construction and equipment of cabooses received the attention of a number of legislatures, the standard fixed in most instances being a length of 24 feet, exclusive of platforms, and the car must be provided with suitable steps, guard rails, grab irons, two doors, at least two four-wheeled trucks, and cupolas, though not all the laws mention every point named. The States passing laws of this class are Illinois (p. 306, 1909), Michigan (No. 52, 1909), Minnesota (chap. 382, 1909), New York (chap. 448, 1908), North Dakota (chap. 190, 1909), Washington (chap. 31, 1909), and Wisconsin (sec. 1806m, 1909). The railroad commission of Montana is authorized (chap. 136, 1909) to require the installation of safety appliances on railroads and may inspect the same to secure conformity to the standards of the federal statutes and the rules of the Interstate Commerce Commission.

Statutes of Oklahoma (p. 638, 1909) and of Texas (chap. 53, 1909) require railroad companies to construct sheds over their repair tracks

for the protection of employees from the inclemency of the weather; while in Louisiana (No. 297, 1908) and in Texas (chap. 33, 1909) laws were enacted presumably for the benefit of local labor, but along a different line of procedure. These laws direct that repair work on cars and engine shall be done within the State if the companies have repair shops therein. The law need not be complied with if it would be necessary to haul the cars farther in order to do so than to have them repaired without the State. In Louisiana, conformity to this law is a condition precedent to the exercise of the right of eminent domain. The proposition is a new one in the field of labor legislation, and a determination of its constitutionality is awaited with interest, since such laws might fall under the same condemnation as that of New York, directing the use only of stone dressed within the State on public works. (*People v. Coler*, 166 N. Y. 144, 59 N. E. 776.)

A Mississippi statute (chap. 95, 1908) prohibits the running backward of locomotives at night unless there is a pilot and headlight on the rear of the tender. Switching engines, cases of emergency, and certain other designated cases are excepted from the application of the law.

Another aspect of employment is considered in a statute of Arkansas (No. 299, 1909) which requires that railroads collecting hospital or medical fees from their employees must provide and maintain hospitals; and one of Montana (chap. 95, 1909) which provides that in case of accidental injury the nearest physician may be summoned to give attention to injured employees until a railroad physician can take charge, the company to pay a reasonable fee for such services, failure to do so being a misdemeanor.

STREET RAILWAYS.

The protection of employees on street railways by the construction of inclosed platforms or vestibules is the subject of legislation in Iowa (chap. 51, 1909), Kansas (chap. 195, 1909), South Carolina (No. 65, 1909), and West Virginia (chap. 74, 1909). All of these States had prior laws on the subject, the change in Iowa consisting in requiring a transparent shield to extend the full width of the car; while in Kansas a provision is added requiring the vestibule to be heated. The South Carolina statute undertook to except cars operating in a portion of the State. The law, however, exempted that portion lying "south of a line ten miles north of and parallel to the thirty-fourth meridian," an obviously impossible demarcation. The West Virginia statute is amended by making it applicable to the operation of cars throughout the entire year, instead of only from November 1 to April 1 as before; violations are to be prosecuted by the prosecuting attorney of the county in which they take place.

The Kansas statute, *supra*, requires seats to be provided for the use of motormen, their use to be permitted under reasonable rules of the company, when such use will not interfere with the proper performance of duty. A statute of Oregon makes a similar regulation, providing, however, that motormen may use such seats at least one-half the time while operating the cars (chap. 59, 1909). In Connecticut, street railways running outside the limits of any city or borough, using cars which are equipped with air brakes, must furnish motormen with seats or stools for their use unless excused therefrom by the railroad commissioners on a showing that such use will endanger or inconvenience travelers (chap. 237, 1909). Another law of this State (chap. 92, 1909) authorizes the railroad commissioners to order street railway companies to equip their cars with air brakes or other sufficient brakes when they deem it necessary in the interests of the public. An Iowa statute (chap. 52, 1909) and one of Wisconsin (sec. 1636q, 1909) require power brakes to be installed on cars having a weight of 35,000 pounds in the former State and on cars having a weight of 40,000 pounds in the latter State.

REGULATION OF THE CONTRACT OF EMPLOYMENT.

Under this head may be considered a few not very closely related laws which are not easily capable of classification elsewhere. An Oklahoma statute (p. 516, 1907-8) directs the superintendent, manager, or contractor, employed by or working for any public-service corporation, to issue to any employee, whether discharged or voluntarily leaving service, a statement at the termination of his employment of the reason therefor, and a failure to make a truthful statement is a misdemeanor. The use of printed blanks is forbidden. The question of the constitutionality of this statute comes to mind in view of the condemnation of a somewhat similar law by the supreme court of Georgia. (*Wallace v. R. Co.*, 94 Ga. 732, 22 S. E. 579.) Employers or their foremen are forbidden to charge or accept fees or anything of value for the hiring or retention of laborers, according to statutes of Nevada (chap. 25, 1909) and Utah (chap. 52, 1909). Under this head may be noted a Louisiana statute (No. 31, 1908) which requires employers who exact from their employees a deposit of money as a guaranty of faithful service to pay interest thereon, a minimum rate of 4 per cent being fixed by the statute. A statute of South Carolina (No. 494, 1908) has for its object the prevention of the fraudulent breach of contracts, making it a misdemeanor either to employ labor or to contract to render services or to accept labor or advances, and subsequently fraudulently or with malicious intent to fail to observe the provisions of the contract. Employer and employee are thus alike subjected to punishment for fraudulent acts

designated, the penalty being the same in both cases. Contracts, if verbal, must be witnessed by at least two disinterested witnesses not related to either party, by blood or marriage, within the sixth degree, and the term of service must be for a definite time, not exceeding one year. If a written contract is to be enforced under the provisions of this act, a record of such contract must be made in the county office. Contracts where the inducement or consideration consists of money or advances paid or made to the employee or in his behalf before the commencement of service are not covered by this law and are declared null and void. A statute of Massachusetts (sec. 27, chap. 514, 1909) makes it an offense for anyone knowingly to cause to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment. Forcible taking or detention for service is made the subject of heavy penalties by statutes of Washington (secs. 158, 159, chap. 249, 1909), and of the United States (secs. 268 to 271, chap. 321, 1908-9).

BLACKLISTING, INTERFERENCE WITH EMPLOYMENT, ETC.

Laws addressed to the subject of blacklisting were enacted in Connecticut (chap. 153, 1909), Mississippi (chap. 93, 1908), North Carolina (chap. 858, 1909), and Texas (chap. 89, 1909). The law of Connecticut prohibits black lists or any publication or correspondence having for its object the prevention of employment of an employee, mechanic, or laborer; it does not, however, prohibit the giving of a truthful reply to persons making inquiry, who may be considering the hiring of such employee. The Mississippi statute on this subject relates only to the employment of telegraph operators and makes it unlawful to discriminate against, blacklist, or refuse employment to any telegrapher only because of his affiliation with or membership in any lawful organization or trade or labor union of telegraphers. Secretly conspiring to defeat the provisions of this act is also declared to be unlawful. The act provides no penalty, but makes violators thereof jointly and severally liable in actual and exemplary damages to persons aggrieved. In North Carolina, an employer who attempts to prevent the employment of a discharged employee is liable in penal damages for the results of his acts, though he may answer inquiries; an agreement to blacklist an employee who is discharged or who has voluntarily left service is unlawful. Several changes were made in the former law of Texas (chap. 67, 1907), the principal one being an extension of the law to cover the situation of employees voluntarily leaving service, as well as those who were discharged. The provision that a statement of the cause of discharge must be furnished any employee requesting

the same is amended by providing for a renewal of this statement if it is lost or becomes otherwise unavailable. This statement must include the term and nature of the employment. The old law forbade discrimination against an employee because of his participation in a strike against another corporation. The amendment omits the words "against another corporation," thus extending the application of the law to strikes against the employer himself.

Section 1296 of the general statutes of Connecticut prohibited the use of "any means to intimidate" employees. This section is amended (chap. 202, 1909) by making it unlawful to "use any means calculated or intended to intimidate." The legislature of Washington in its draft of the criminal code (chap. 249, 1909) incorporated provisions penalizing the conspiracy of two or more persons to prevent the exercise of a lawful trade or calling by force, threats, or intimidation, or the interference or threatening to interfere with tools, implements, or property belonging to or used by another (secs. 130, 131); such conspiracy is a gross misdemeanor, and no overt act is necessary to constitute an offense. According to the same act, any person depriving another of any tool or implement or hindering him in the rightful use thereof is guilty of a misdemeanor (sec. 362).

The Federal Government seeks to protect itself from the interfering acts of third parties by providing a penalty (sec. 43, chap. 321, 1908-9) directed against anyone who may entice employees in arsenals or armories to leave service during their term of employment, or to avoid or break their contracts, or who shall retain, hire, or in anywise employ, harbor, or conceal such employees during their term of service.

The prevention of the corrupt influencing of agents, employees, or servants is the aim of statutes of New Jersey (chap. 284, 1908) and of Washington (sec. 426, chap. 249, 1909) which make it a misdemeanor to give, offer, or promise to such person any gift or gratuity, without the knowledge and consent of the employer, for the purpose of influencing the former in relation to the employer's business. The acceptance of a commission or bonus by employees whose duty it is to buy supplies or materials for his employer is likewise unlawful. Another section (sec. 439) of the Washington statute makes the solicitation or acceptance of gratuities by employees of public houses or public-service corporations a misdemeanor, while the next section makes the giving of such gratuities also a misdemeanor.

ARBITRATION OF LABOR DISPUTES.

The subject of state boards of arbitration and conciliation was passed upon by two legislatures, provisions for the appointment of such boards having been made in Oklahoma (p. 499, 1907-8) and in Maine (chap. 229, 1909); while in a third State, New Jersey (chap.

25, 1908), a law which had existed since 1892 was repealed, with its amendments, leaving that State without any arbitration law. The Oklahoma board was created in connection with the state bureau of labor and is to be composed of six persons, two farmers and one employer to be appointed by the governor on his own motion, and one employer and two employees to be appointed on the recommendation of the commissioner of labor. It is the duty of this board to seek to conciliate labor disputes involving not less than 25 employees. Mayors of cities and justices of the peace are to give information of such disputes, threatened or actually occurring, whereupon the board shall undertake to secure the submission of such disputes for determination before itself. If there is not a voluntary submission of the matter to the board, it may, if it shall appear to the board that any strike or lockout is likely to cause injury or inconvenience to the general public, efforts for conciliation having failed, investigate the facts in the case and publish its findings with such recommendations as seem to it equitable and just. The legislature of Maine provided for the appointment of a state board by the governor, such board to be composed of one employer or a representative of an employers' association, one employee or member of a labor organization, and one man appointed on recommendation of the other two. Town officers are to report threatened labor troubles, whereupon the board shall seek to mediate if not less than 10 employees are affected; or to secure the submission of the dispute to a local board or to the state board for arbitration. Either the employer or a majority of employees may make application for the adjustment of a controversy, and upon determination the decision of the board shall be binding upon the parties so applying for a period of six months, or until the expiration of sixty days after notice given of intention not to be so bound by the decision.

CIVIL RIGHTS OF EMPLOYEES.

Besides the protection of employees as traders, which will be considered under the heading of wages, the security of their rights as citizens in other respects was the subject of legislation in a few States. Thus Nebraska (chap. 164, 1909) and Oklahoma (p. 316, 1907-8) prohibit the influencing or the attempt to influence employees in the exercise of their franchise rights. The Nebraska statute makes it unlawful to threaten discharge or the close of business in the event of the election of any person or the success of any political party. The Oklahoma statute contains a provision allowing two hours as time to vote on election days.

The attitude of employers of labor and of labor organizations toward the enlistment of workmen in the national guard is known

to be sometimes hostile to such enlistment. Laws whose object it is to protect workmen who are or who may wish to become members of the national guard were passed by the legislatures of Illinois (p. 437, 1909), Maine (chap. 206, 1909), Michigan (No. 194, 1909), and Washington (chap. 134, 1909). In the last three of these States the laws mentioned prohibit discrimination both by employers and by labor organizations, while in Illinois the act of depriving of employment or preventing employment or of dissuading from enlistment by threats of injury to employment, trade, or business, is made a misdemeanor.

EXAMINATION AND LICENSING OF WORKINGMEN.

The requirement of proof of ability to engage in certain employments by the passing of an examination by a public board is embodied in the laws of several States, covering a variety of occupations. Most numerous among these during the years under consideration are laws relating to mine employments, the States of Illinois, Iowa, Kentucky, Montana, Ohio, and Oklahoma having passed laws that may be considered in this connection. The legislature of Illinois (p. 284, 1909) requires miners to secure a certificate after examination by county examining boards. Two years' practical experience is necessary, and miners who have worked two years in the State as miners and were so employed when this law took effect may receive a certificate simply on the payment of the required fee. In Ohio the law of 1906 (p. 259), requiring one year's experience with or as a practical miner before being allowed to work alone, the law being "not" applicable to mines producing gas or fire damp, was amended (p. 21, 1908) by the change of the word "not" to "only," in order to express the intent of the legislature as to the application of the law. In Iowa (chap. 146, 1909) certified foremen, pit bosses, and hoisting engineers are to be appointed to fill vacancies in such positions within thirty days after such vacancies occur, instead of within "a reasonable time," as was required by the old law. Montana (chap. 69, 1909) substitutes a county board made up of the state mine inspector, a miner, and an operator or superintendent of a mine, for the state inspector alone, as the agency by which examinations must be conducted and certificates granted to persons seeking employment as mine foremen, mine examiners, or fire bosses. The qualifications necessary for applicants for such positions are laid down by the law, and the employment of persons not properly certified is prohibited, as is engaging one's self for the positions named without having a certificate. The Oklahoma legislature (p. 521, 1907-8, amended, p. 385, 1909) provides for a state mine board to examine applicants for positions as mine managers, superintendents, pit bosses, hoisting

engineers, or fire bosses. In Kentucky (chap. 59, 1908) and in Montana (chap. 64, 1909) state inspectors of mines may be appointed only after having passed an examination by a board of examiners and securing a certificate of competency.

The examination and licensing of masters, pilots, and engineers on steam vessels is the subject of a statute of Michigan (No. 113, 1909).

Laws relative to the examination and licensing of plumbers were amended in the States of Illinois (p. 132, 1909), Massachusetts (chap. 536, 1909), and Pennsylvania (No. 657, 1909). The principal change was effected by the law of Massachusetts, which provides for a state board of examiners instead of local boards, and arranges for probationary certificates valid for a term of six months to be issued to applicants, who must take the examination at the close of the term.

Master electricians in cities having more than 50,000 inhabitants must secure from a local board a certificate of competency, after examination, before they can prosecute their trade, according to an act of the Louisiana legislature (No. 178, 1908).^(*)

The law of Michigan relative to the examination of horseshoers was amended (No. 205, 1909) by a provision as to the renewal of licenses on the payment of a reduced fee.

Laws requiring barbers to be examined and to procure a certificate of competency and of freedom from contagious or infectious diseases before being allowed to prosecute their calling were enacted for the first time by the legislatures of Illinois (p. 98, 1909) and of Colorado (chap. 138, 1909). The usual provisions as to disinfection of tools, etc., and proof of skill are embodied in these laws. The State of North Dakota adds to its existing law on this subject a requirement as to the disinfection of tools (chap. 46, 1909). The customary inclusion in laws of this class of regulations as to sanitation makes it proper to notice here a law of Kansas (chap. 224, 1909) which directs the inspection of barber shops, barber schools, and public bathrooms in order to prevent the spread of contagious and infectious diseases.

EMPLOYMENT OFFICES.

The assumption by the State of the duty of providing an instrumentality by which persons seeking employment and those desiring to employ labor may be brought into communication is becoming increasingly common, Indiana (chap. 155, 1909), Oklahoma (p. 499, 1907-8), and Rhode Island (chap. 1528, 1908) having recently created such agencies. These agencies are under the direction of the state commissioner of labor, to whom is given the power of appointing superintendents who are charged with the direct administration

^{*} Declared unconstitutional in *State v. Gantz*, 50 So. Rep. 524.

of the undertaking. The Rhode Island statute restricts its benefits to citizens of that State. Massachusetts (sec. 5, chap. 514, 1909) gives preference to citizens in registration, this provision being a modification of the former law, which restricted registration to citizens only.

The regulation of private employment offices received attention in a considerable number of jurisdictions, the list embracing California, Colorado, the District of Columbia, Illinois, Indiana, Minnesota, Missouri, Oklahoma, Utah, and Washington. California (chap. 102, 1909) amended its law on the subject by giving to the commissioner of labor and his deputies power to make arrests for violations of the law. A supplemental act on this subject (chap. 120, 1909) requires employment offices in this State to secure a license on the payment of a fee, which is graded according to the population of the city in which the office is to operate. The license is valid for a single year, may be revoked for cause, and a separate license is required for each branch the same as for an independent agency. In Colorado the existing law is amended by adopting a graded license fee, reducing the bond from \$2,000 to \$1,000, and giving the authority to license to the state bureau of labor instead of to the town or city in which the office is situated (chap. 164, 1909). Fees are limited to \$1 for laborers, mechanics, or domestic servants; the fee for professional positions is \$2. If no position is secured within five days, an applicant may demand the return of his fee in full within thirty days after registration. The law for the District of Columbia allows employers to be charged \$2 for services (chap. 166, 1908-9) instead of \$1 as under the old law, the employer being thereby entitled to thirty days' service from the first or other employee sent by the bureau. The same law allows offices fifteen days within which to secure a position for applicants before return of fee can be demanded instead of four as formerly. An additional amount of \$1 may be charged as employee's fee where the wages amount to \$25 per month or more.

The former law of Illinois on this subject is repealed, and a very strictly detailed enactment substituted therefor (p. 213, 1909). Agencies are to be licensed, the fee therefor being \$50 in cities of 50,000 population and over and \$25 in smaller cities and towns. A bond is to be furnished, registers maintained, and receipts given for all fees received. The fee is limited to \$2, and is to be returned on demand after thirty days and within sixty days from date of its receipt, less the amount actually expended in behalf of the applicant, unless a position has been secured. Fraudulent representations, the sending of applicants to questionable or immoral places of resort or amusement, the giving of false information and the making of false promises are prohibited. Provision is made for additional service

to employers and to employees in cases where service or employment continues for less than one week if the cause of departure or dismissal is not the fault of the person claiming the benefits of the law; or three-fifths of the fee may be returned. A special inspection force is provided for, consisting of a chief inspector of private employment agencies appointed by the governor, and an assistant inspector for every 50 licensed agencies or major fraction thereof, the assistants to be appointed by the chief inspector. At least bimonthly inspections are required, and any license may be revoked for cause shown.

The Indiana legislature (chap. 94, 1909) enacted a briefer law on the same subject, but of the same general purport. The enforcement of this law is committed to the chief of the bureau of statistics of the State, who is also charged with the duty of issuing all licenses under the act. Registers of applicants for positions and for assistance in securing labor are to be open at all times to the chief of the bureau and to the sheriff of the county or the chief of police of a city. The fee for registration is limited to \$2, the return of 75 per cent of which may be demanded in the event of a failure of the agency to secure a position for the applicant. When employment has been secured, the applicant may be charged an additional amount, the total charges not to exceed 10 per cent of the first month's wages. This statute, like that of Illinois, prohibits the sending of any persons to improper or immoral places, or the maintenance of any agency in a building where intoxicants are sold.

The legislature of Minnesota (chap. 424, 1909) amended the law of that State by prohibiting the charging of any fee unless the office had received a bona fide order from an employer for the services recommended, all such orders to be recorded and open to the inspection of the applicant at the time he pays his fee or subsequently. Missouri also takes its place among the States in which private employment offices must be licensed (p. 862, 1909). The scale of charges for licenses is the same as in Illinois, the license to be secured from the state commissioner of labor statistics. The registration fee is limited to \$1, and is the same for employer and employee. Applicants not securing a situation within one month may demand the return of the full amount of the fee paid. Registers are to be kept and shall be open to the inspection of the commissioner of labor statistics or his agents, deputies, or assistants. False entries on the register are prohibited, and no office may be maintained in or in connection with any place where intoxicating liquors are sold. The state commissioner of labor of Oklahoma is to license agencies in the State (p. 499, 1907-8), the fee being uniformly \$5. Two dollars may be charged as a registration fee, to be returned on demand within thirty days after the expiration of one month from registration if

no position is secured within that time. Sending to improper places of employment and the giving of false information are penalized, and registers of applicants shall be kept open to inspection by the commissioner of labor or his agents.

Licensing by the city, town, or county, under rules made by such municipalities for the conduct of employment offices, is required by a statute of Utah (chap. 21, 1909); fees are limited to 8 per cent of the first month's wages, and the division of fees with employers is prohibited; the provisions as to return of fees, the sending of employees to designated forbidden places, and the maintenance of offices in saloons are similar to those in other States. The State of Washington has no law regulating the conduct of employment offices, but in its criminal code (sec. 372, chap. 249, 1909) makes it a misdemeanor for any agent to misstate verbally or in writing or in an advertisement any material fact as to the nature, conditions, or length of employment.

EMPLOYMENT ON PUBLIC WORKS.

Discrimination, either absolute or by way of preference, in the matter of the employment of residents or citizens for labor on public works is indicated by the laws of several jurisdictions. Thus Hawaii (No. 32, 1909) provides that employees on public works must be citizens of the United States, or eligible to become citizens, unless it is not reasonably practicable to obtain labor of the designated class. A statute of Utah (chap. 80, 1909) directs the preference of employment of citizens or of those who have declared their intentions to become such, the provisions of the law to be inserted in contracts for public works. A Maine statute (chap. 228, 1909) directs the preference of resident laborers on condition that the bids contemplating the employment of such labor are equally favorable with those which are not so restricted. The Louisiana statute on the subject restricts employment to citizens who have paid their poll tax, if such are available (No. 271, 1908). This statute provides that it is not to be construed as barring foreign contractors from bidding.

The Nebraska statute requiring union labor to be employed on public works in cities of the first class and fixing a minimum wage rate of \$2 per day was amended (sec. 123, chap. 17, 1909) by requiring advertisements for bids to contain these provisions. The provision restricting employment to union labor is probably unconstitutional. (*Marshall & Bruce Co. v. City of Nashville*, 109 Tenn. 495, 71 S. W. 815; *Fiske v. People*, 188 Ill. 206, 58 N. E. 985.)

As coming within this group of laws may be mentioned one of Louisiana (No. 184, 1908) which provides that contracts for public printing shall be awarded to none but citizens of the State.

New Jersey (chap. 156, 1908) joined the small but increasing group of States which provide for civil-service tests and regulation in the employment of public employees, a labor class being provided for in the sixteenth section of this law. The tests relate to physical condition, ability, industry, capacity, and experience.

Leave of absence is granted employees in public service by the States of California (chap. 250, 1909), Iowa (chap. 232, 1909), and New York (chap. 559, 1909); the last-named law applies only to employees of the city of Greater New York.

The labor law of Massachusetts (sec. 22, chap. 514, 1909) contains a provision relative to actions for wages of employees on public works. This law gives the laborer a right of action to recover a wage debt if within thirty days after the termination of service he files a statement of his claim and begins action thereon within sixty days after the termination of employment. Persons contracting to furnish the labor of others are not within the provisions of this law.

EMPLOYMENT OF CHILDREN AND WOMEN.

Fifty-four laws enacted by the legislatures of 32 States are addressed to some phase or other of the conditions affecting employment of children and women. Prominent among these are the extension of the idea of compulsory school attendance and the fixing of an educational standard to be attained, which necessarily affect the employment of children within the ages embraced by the school law; and the substitution of other evidence as to the age of applicants for certificates of employment than the mere statement or affidavit of the parent. There is a tendency also to shorten the hours of labor and to restrict or prohibit night work, as well as to adopt a standardized law relative to dangerous employments, that indicates an increasingly general approval of such regulations and of the idea of uniformity in legislation.

In the majority of cases these laws are of course merely amendatory, though there are a few States in which entirely new legislation having general application to the subject, was enacted, while in a few other States existing statutes of this nature were repealed and others enacted in their stead.

The States enacting first laws are Mississippi (chap. 99, 1908), North Dakota (chap. 153, 1909), Oklahoma (p. 629, 1909), and Washington (secs. 194, 195, chap. 249, 1909); while new statutes to supersede former ones were enacted in Kansas (chap. 65, 1909), Kentucky (chap. 66, 1908), Louisiana (No. 301, 1908), Michigan (No. 285, 1909), Pennsylvania (No. 182, 1909), and Virginia (chap. 301, 1908).

The statute of Mississippi allows employment to begin at the age of 12 years and fixes a ten-hour day for children under 16 years, though the limit for a week is fifty-eight hours; night work is prohibited, the hours being from 7 p. m. to 6 a. m. A register of affidavits of age of children under 16 must be kept, and also a statement as to the last school attendance and grade of the child. Enforcement is committed to the sheriffs of counties, and circuit judges are to specially charge grand juries to investigate violations. Sanitary and physical conditions are to be inquired into at least twice a year by a county health officer.

In North Dakota the law fixes 14 years as the minimum age of employment and relates to employment in mines, factories, mercantile establishments, apartment houses, and messenger service. Employment of every sort is prohibited for children under 14 during any part of the school term. For employment under 16 a certificate must be secured and kept on file presenting the age and school record of the child, who must be able to read and write and have received instruction in the common branches and up to and including fractions in arithmetic. In doubtful cases a physician's certificate as to physical ability may be demanded. An affidavit of age is to be accepted only when other evidence is not available. The hours of labor of children under 16 are limited to sixty per week, and eight per day.^a Work between 7 p. m. and 7 a. m. is prohibited, as is also employment at numerous designated dangerous occupations. Enforcement is committed to local peace and school officers.

The Oklahoma statute fixes the age limit at 14 years for employment in factories, factory-workshops, theaters, bowling alleys, pool halls, steam laundries, "or in any occupation injurious to health or morals or especially hazardous to life or limb." The commissioner of labor is given authority to determine what occupations come within this description. The law prohibits designated dangerous employments. Girls under 16 may not sell newspapers, nor be employed in any occupation requiring them to stand constantly. Boys under 16 and all females are to be excluded from employment in underground mines and quarries. Children under 16 may not be employed at any labor unless they are able to read and write English or have attended school during the preceding year for the prescribed period. The hours of labor of children under 16 may not exceed eight per day nor forty-eight per week. Restriction as to night work applies to boys under 16 and girls under 18 and covers the period between 6 p. m. and 7 a. m. An age and schooling certificate for children under 16 is required, and an affidavit as to age will be sufficient evidence only when the child has attained a prescribed physical standard of de-

^a See p. 698.

velopment. The enforcement of the law is committed to the commissioner of labor and to the truant officers.

The Washington statute goes less fully than the above into the subject of general employment, but prohibits the employment of children under 18 years of age in any mendicant, immoral, dangerous, or injurious occupation, or sending such persons as messengers to immoral resorts; it also requires that males under 14 years of age and females under 16, employed by others than their parents or guardians in any inside employment not connected with farm or domestic labor, must procure a permit from the judge of the superior court of the county.

Only the new features of the laws enacted in lieu of former statutes can be classed as legislation of the period under review. Of these the Kansas statute adds to prohibited places of employment of children under 14 workshops not owned by the parent or parents and theaters and elevators. No employment whatever is permitted during school hours; and the hours of labor are restricted to eight per day or forty-eight per week, work between 6 p. m. and 7 a. m. being prohibited.

The new act of the Kentucky legislature is practically a standard law, and extends to messenger service as well as to employment in factories, stores, etc. The general age for employment is 14 years. No exception is allowed for cases of dependent children. The hours of labor are restricted to sixty per week and ten per day, work between 7 p. m. and 7 a. m. being prohibited. Truant officers and labor inspectors are charged with the enforcement of the law. Special provisions for safety and sanitation are required in factories where persons under 16 years of age are employed.

The Louisiana law makes the age of employment uniformly 14 years, instead of 12 for boys and 14 for girls as under the former law. Age certificates are required for children under 16, to be issued by the state factory inspector or a city inspector in New Orleans, affidavits being accepted only if certificates of birth or baptism or other records are not available. Hours of labor are limited to sixty per week, no work to be performed between 7 p. m. and 6 a. m., except in mercantile establishments on Saturday night and for twenty days before Christmas. A list must be kept and posted of all children employed under the age of 18.

The constitution of Michigan of 1909 gave to the legislature power to fix the hours and conditions of labor of women and children (Const., Art. V., sec. 29). In pursuance of this authority provisions were incorporated in the act cited above fixing the hours of labor of males under 18 years of age and of all females employed in factories, mills, dressmaking, or millinery establishments, or in laundries, stores, or shops, at not more than nine hours per day on an average, nor

more than fifty-four hours in any week, no day's labor to exceed ten hours. Fruit and vegetable canning establishments are excepted from these provisions. Night work in manufacturing establishments is prohibited for females under 18 years of age, and for all children under 16 years of age, except as messengers for a telegraph or telephone company or in the postal service of the United States, the prohibited hours extending from 6 p. m. to 6 a. m. Under the former law the prohibition extended to 7 a. m. Fourteen years remains as the age limit, the same as under the old law. The new law requires permits for the employment of children under 16 and the maintenance of a register of all such employees. Dangerous and immoral occupations are prohibited, but there is no specific list of prohibited occupations.

According to the provisions of the law of Pennsylvania, employment of minors under 18 is prohibited in a list of dangerous employments, including blast furnaces, tanneries, docks, quarries, the outside erection and repair of electric wires, the operation of elevators, oiling dangerous machinery in motion, employment on railroads, or in the operation of boats or vessels, and in places where high explosives are manufactured. Minors over 16 may be employed in the manufacture of white lead, red lead, paints, phosphorus, phosphorus matches, poisonous acids, and in the manufacture or stripping of tobacco or cigars; but if classes of employment in these industries are shown to the satisfaction of the chief factory inspector not to be a menace to health, physically qualified children over the age of 14 may be employed therein, if able to read and write the English language intelligently. The hours of labor of boys under 16 and girls under 18 are limited to ten per day and fifty-eight per week, instead of twelve and sixty, respectively, as under the former law; work between 9 p. m. and 6 a. m. is prohibited.

The Virginia law fixed the age limit at 13 years after March 1, 1909, and at 14 years after March 1, 1910, for employment in any factory, workshop, mercantile establishment, or mine, but permits orphans or children of dependent parents to work after reaching the age of 12; a certificate of orphanage or other necessity for labor must be procured from a court, judge, mayor, or justice of the peace in circumstances prescribed by the law. Employment in factories, etc., owned or operated by the parent is not affected by this act.

Laws to be classed as simply amendments, affecting the existing law by way of wider extension, either generally or by the definite inclusion of additional occupation; or by changing details, as those governing age, hours, or enforcement, were enacted in California (chap. 254, 1909), Connecticut (chap. 220, 1909), Delaware (chap. 121, 1909), Iowa (chap. 145, 1909), Maine (chaps. 70 and 257, 1909), Massachusetts (sec. 48, chap. 514, 1909), New York (chaps. 293 and 299, 1909), Ohio (p. 30, 1908), Rhode Island (chap. 384, 1909), South

Carolina (Acts No. 4 and No. 121, 1909), and Wisconsin (secs. 1728a, ff, 1909).

The amendment to the California law consists in adding employment in places of amusement, restaurants, hotels, apartment houses, or in the distribution or transmission of merchandise or messages, to the class for which night work is prohibited, the hours included being from 10 p. m. to 6 a. m. Places of amusement are also added to the list of places for which records of names and certificates of age of children employed must be kept. Superintendents of schools issue certificates, copies of which must be filed with the county superintendents of schools, who must semiannually report to the bureau of labor the number of such certificates issued.

In Connecticut the former law is modified by separating the regulations as to manufacturing and mechanical establishments and those applicable to mercantile establishments. In the latter class of employment children and women may be employed from December 17 to 25 of each year until 10 o'clock p. m., if they are given not less than seven holidays with pay during the year. If employment later than 10 p. m. is desired, two shifts must be employed, and the ten-hour day observed.

The Delaware statute is amended by extending its provisions to employment in "any gainful occupation;" one hundred and forty days' school attendance is required, instead of twelve weeks, during the year preceding the issue of the certificate, and a child must be able to read and write English and be familiar with arithmetical operations up to fractions. Night work of children under 16 between the hours of 7 p. m. and 6 a. m. is forbidden, and the section of the former law permitting the employment of a widow's child, by way of exception, is repealed.

In Iowa, the statute authorizes enforcement officers to demand of an employer proof of age of any child in his employ, either birth or baptismal record, school record, or affidavit, and if none of these is forthcoming the child must be dismissed.

The Maine law is strengthened by prohibiting employment "in connection with" as well as in any manufacturing or mechanical establishment. The present law prohibits all employment in such places for wages or hire, during school hours, as well as in any mercantile or other business establishment, or in telegraph or telephone offices, or in the delivery of messages. Children desiring any employment whatever must have certificates if under 15 years of age, or if under 16 for employment in manufacturing and mechanical establishments. Evidence as to age is required, and unless children are able to read and write and to perform the fundamental operations in arithmetic they must attend an evening school. The hours of labor are reduced from sixty hours per week to fifty-eight.

The cited amendment of the Massachusetts law fixes fifty-six hours as the weekly maximum for the employment of women and children after January 1, 1910, instead of fifty-eight, as under the former law.

A considerable change was made in the laws of New York on the subject of employment by an amendment of section 93 of the labor law, the change consisting in the enumeration of an extensive and detailed list of employments in which children under 16 should neither be employed nor permitted to work. The law of this State relating to employment in mercantile establishments was also amended by inserting the words "or permitted to work" after the prohibition of employment.

The Ohio statute is amended by adding business offices, telegraph and telephone offices, restaurants, bakeries, hotels, and apartment houses to the places of employment in which children under 14 may not work; employment as messenger or delivery boy is also prohibited. Hours of labor are fixed at eight per day and forty-eight per week, instead of ten per day and fifty-five per week as in the former law; and night work is prohibited between 6 p. m. and 7 a. m., instead of between 7 p. m. and 6 a. m. Designated dangerous employments are prohibited, and the chief inspector of factories is authorized to appoint eight salaried female visitors charged with the duty of inspection and the enforcement of child labor and sanitation laws.

Hours of labor of women and children are changed by the Rhode Island statute cited from fifty-eight to fifty-six per week.

The Wisconsin statute inserts a blanket provision, "or at any gainful occupation, directly or indirectly," after its list of occupations requiring permits. Only farming is exempted, instead of also "other outdoor occupations not dangerous to life or limb." In prohibiting performances in public, as in circuses and theaters, the words "for pay" are stricken out, and children from outside the State are subjected to the same rules as are resident children. The exception as to the employment of children "in cases where it is necessary to save perishable goods from serious damage," is also eliminated.

Laws addressed to single occupations or classes of employment were enacted in a number of States. Laws governing employment in mines were passed by the legislatures of Oklahoma (p. 527, 1907-8), Pennsylvania (No. 210, 1909), and Washington (chap. 117, 1909). The Oklahoma statute prohibits the employment of boys under 16, and of all females, in underground workings; while that of Washington raises the minimum age of employment of boys below ground from 14 to 16 years, and above ground, from 12 to 14 years. The Pennsylvania statute limits the hours of labor for children under 16 to ten per day and fifty-eight per week, night work being prohibited after 9 p. m. and before 6 a. m. An age and schooling certificate for boys between 14 and 16 years of age is required, to

be issued by the school authorities and to certify ability to read and write the English language intelligently. The enforcement of this act is intrusted to the chief of the department of mines.

Street trades are regulated by a law of Wisconsin (secs. 1728p, ff, 1909) which fixes the minimum age of news boys at 10 years and of girls at 16 years. Girls under 16 are forbidden to work as bootblacks or at any other street trade, or in the distribution of handbills, circulars, or other articles upon the street or from house to house. Boys under 12 may not act as bootblacks or work at any other street trade, or sell or offer any goods or merchandise or distribute circulars or other articles except newspapers, magazines, and periodicals. For employment as newsboys, children under 14 are required to secure a permit and a badge issued by the state factory inspector or an assistant, or by the county or municipal judge or judge of a juvenile court. Boys under 14 are not permitted to work as newsboys after 10 o'clock in the evening or before 6 in the morning, or at other street trades between the hours of 7 p. m. and 7 a. m. nor during the hours when the public schools of the city are in session. Boys between 14 and 16 years of age who comply with the legal requirements as to school attendance and are physically and mentally able so to do may be authorized to distribute newspapers between the hours of 4 and 6 in the morning. This law is applicable only to cities of the first class and is to be enforced by police officers, state factory inspectors, and attendance officers of the school. Permits and badges are valid only for a single year, and may be withdrawn for cause.

Other laws of restricted application are a statute of Missouri (p. 864, 1909), applicable to bakeries and confectionery shops only, which prohibits the employment of children under 16 years of age between 9 p. m. and 5 a. m.; one of Pennsylvania (No. 34, 1909), providing heavy penalties for knowingly sending any minor as a messenger to a place of immoral resort; and an Oregon statute (chap. 54, 1909), fixing the age limit for operators of either freight or passengers elevators at 18 years as a minimum.

Another law that will be noted here without classification is one of Texas (chap. 59, 1909), which makes parents who hire out their children and live in idleness on their wages guilty of vagrancy.

Laws prescribing compulsory school attendance, and expressly affecting employment, were passed in Arkansas (Nos. 234 and 347, 1909), the first general in form, but excepting a number of counties; the second specifically applying to nine counties. The general law directs school attendance for one-half the term for children from 8 to 16 years of age, and from 16 to 20, unless actively, regularly, and lawfully employed. No employment is allowed during school hours between the ages of 8 and 16, without a certificate that the law requiring attendance as above has been complied with. Attendance

officers are charged with enforcement of the law. The second law is of practically the same effect, except that the superior age limit is 14 years. A Maine statute (chap. 238, 1909) amends the education law of that State by providing that truant officers may, under the direction of the school authorities, visit manufacturing and other business establishments during school hours to discover whether children under 15 years of age are employed therein in violation of the law. Persons in charge are required to submit for inspection all registers and certificates required to be kept on file in such establishments. A Missouri statute (p. 847, 1909) extends the term of compulsory attendance from one-half to three-fourths of the school term, and authorizes the appointment of attendance officers in towns having a population as small as 1,000, instead of 3,000 as before. In Nevada (chap. 130, 1909) children from 8 to 16 years of age must attend during the whole of the school term unless employed at labor necessary for the support of themselves or of dependent parents. Knowingly employing a child unlawfully absent from school is a misdemeanor. The New Jersey statute (chap. 144, 1909) applies to children between the ages of 7 and 17, unless a child above 15 has completed a grammar course and is regularly and lawfully employed in some useful occupation. If not so employed, such child must attend a high school or manual-training school, though children above 14 may work if their earnings are necessary for the support of themselves or others. A number of laws were enacted in Tennessee applicable to different counties, thirteen being provided for in all. These laws are quite similar in their general features, so that one (chap. 163, 1909) may be taken as illustrative of the class. This law requires attendance between the ages of 8 and 16 for a period of sixteen weeks, unless the child is excused. To be excused the child must be proficient in the required course, or must study in private, or in some other than a public school. If the child's labor is necessary as a means of support, the poor commissioner of the county may make a money allowance equal to the child's wages in order that he may attend school. Attendance must begin with the opening of the term, and it is unlawful to employ a child within the age limits designated who has not completed the required term of attendance. The Washington statute (chap. 97, 1909) applies to children between the ages of 8 and 15, and calls for attendance during the full term of the school. Children under 15 may not be employed without a certificate excusing them from school attendance. Attendance officers may enter mills, stores, etc., in search of evidence of violation of this law. The Connecticut statute (chap. 123, 1909), aiming at results rather than methods, prescribes a standard of attainment to be reached before employment is permitted, i. e., ability to read and write simple sentences in English, or in some other language, and to perform

arithmetical operations to and including fractions. This State has, however, a compulsory attendance law.

The hours of labor of women are regulated by a statute of Illinois (p. 212, 1909), the maximum period of employment being ten hours per day. This law applies to mechanical establishments, factories, and laundries. A Minnesota statute (chap. 499, 1909) prescribes a fifty-eight-hour week for women employed in stores, shops, and factories. Sixty minutes are to be allowed at noon for dinner, and if work extends more than one hour after 6 p. m., twenty minutes shall be allowed for lunch. A Missouri statute (p. 616, 1909) applies to employment in manufacturing and mercantile establishments, laundries, and restaurants in cities of more than 5,000 population. Women may not be employed in these before 5 a. m. or after 10 p. m. nor more than fifty-four hours per week. The statute of Oregon was amended (chap. 138, 1909) by prohibiting the employment of women more than sixty hours per week, this restriction applying to telephone, telegraph, and express or transportation offices, in addition to manufacturing, mechanical, or mercantile establishments, laundries, hotels, and restaurants to which the restriction of a former law applied. The proviso of the old law allowing females employed in retail stores to work twelve hours per day during the week preceding Christmas is stricken out.

Other statutes affecting the employment of women are one of North Carolina (chap. 857, 1909) requiring seats to be provided for and their use permitted to female employees in stores, shops, offices, and manufacturing establishments; and one of Missouri (p. 442, 1909) relative to the employment of females in barrooms. This act amends a former law by striking out the proviso that excepted from its prohibitions the employment of the wife, mother, daughter, or sister of the owner of a place where liquor is sold.

LABOR ORGANIZATIONS.

Labor organizations are distinguished from other associations and corporations by the laws of California (chap. 362, 1909) and of Montana (chap. 97, 1903), which exempt labor organizations from the provisions of the antitrust laws of these States. In California the exemption is effected by declaring that labor is not a commodity within the meaning of the act, while the law of Montana specifically exempts agreements for lessening the hours of labor or increasing the wages. The Federal Congress also (sec. 38, chap. 6, 1st sess., 1909) exempted labor organizations from the payment of the excise tax levied on corporations.

Imposition on labor unions by the unauthorized use of badges, cards, etc., is made a misdemeanor by laws of California (chaps. 331

and 392, 1909), Rhode Island (chap. 439, 1909), Texas (chap. 79, 1909), and Virginia (chap. 54, 1908).

Laws protecting the trade-marks of trade unions were amended in Arkansas (No. 131, 1909), Ohio (p. 482, 1908), Vermont (No. 121, 1908), and Wisconsin (secs. 1747a, ff., 1909). The law of Washington (secs. 424 and 425, chap. 249, 1909) makes it a gross misdemeanor to give, offer, or promise a bribe to a representative of a labor organization or for such representative to ask or receive, directly or indirectly, any bribe in connection with his duties and powers as such representative. Discrimination against employees on account of membership in labor organizations or restraining workmen from joining the same are prohibited in Oklahoma (p. 513, 1907-8) and in South Carolina (No. 4, 1909). Laws of this last class are generally held to be valid. (*Adair v. U. S.*, 208 U. S. 161, 28 Sup. Ct. 277; *People v. Maraus*, 185 N. Y. 257, 77 N. E. 1073, etc.)

Two States enacted this year a novel law looking toward the matter of collective insurance of members of labor organizations and of workmen. These laws (Maine, chap. 207, 1909, and New Jersey, chap. 191, 1909) permit insurance companies to make special rates to members of labor organizations, the premium to be paid to their secretary or other officer; and to the employees of a single employer, whose premiums may be paid through the employer.

The legislature of Michigan provided for the incorporation of associations of railway conductors and engineers, the object of which is to pay indemnity to members in case of discharge or retirement, the funds to be collected on the assessment or cooperative plan (No. 125, 1909). In the same State an earlier law providing for the incorporation of associations of mine employees was repealed (No. 128, 1909).

WAGES.

The rate of wages of employees on public works was considered by the legislatures of Maryland (p. 613, 1908) and of Oklahoma (p. 635, 1909), the statutes of these States requiring current rates of wages to be paid laborers on public works, the law of the former State applying to the city of Baltimore only. A law that may be considered in this connection is one passed by the Congress of the United States (chap. 299, 1908-9), authorizing the Public Printer to pay linotype and monotype operators not more than 60 cents per hour for their services; Sunday labor of workmen not receiving annual salaries may be paid 50 per cent advance on the regular rates.

The medium of payment is considered in laws of Arizona (chap. 103, 1909), Louisiana (No. 228, 1908), Oklahoma (p. 637, 1909), and Porto Rico (p. 171, 1908), these laws relating to the payment of wages in scrip and to the redemption of store orders. They provide

that scrip or orders issued in payment of wages shall be redeemed in lawful money at the next regular pay day. The law of Porto Rico also prohibits coercion or the attempt to coerce in the matter of selecting the place of trade. The Oklahoma statute relates only to mining and manufacturing corporations.

The time of payment of wages is also considered by the Oklahoma statute, the corporations to which it is applicable being required to pay wages to their employees semimonthly. The same requirement is made of all corporations by an Arkansas statute (No. 13, 1909). The Missouri legislature (p. 366, 1909) directs the payment of wages due railroad employees for the preceding month to be made on or before the 15th of each month; while a New York law applicable to steam railroads only changes the frequency of payment from monthly to semimonthly (chap. 442, 1908; see sec. 11, chap. 31, Consolidated Laws). The law of New Hampshire prescribing a weekly pay day is amended by striking out the word "horse" before the word "railroad" in the list of corporations to which the act applies, so that the law now applies to railroads of every sort (chap. 134, 1909).

The payment of wages due deceased employees is considered by laws of Arizona (chap. 64, 1909) and of New Jersey (chap. 59, 1909), payment being authorized to the wife, child, or other next of kin; or if there be no next of kin, then to creditors. The amount so payable may not exceed \$150 in Arizona or \$75 in New Jersey.

Wages of minors are the subject of a law of South Carolina (No. 451, 1908), which makes employers of minors liable to the parents or guardian for the wages of such minor employees if they were hired without the knowledge or consent of the parent or guardian, unless the latter has failed or refused to furnish a home and support.

Assignments of wages and the conduct of the business of wage broker form the subject of several enactments of considerable uniformity. Acts of this class were passed by the legislatures of Colorado (chap. 217, 1909), Delaware (chaps. 233 and 250, 1909), Indiana (chap. 34, 1909), Massachusetts (chap. 605, 1908), Pennsylvania (No. 290, 1909), Rhode Island (chap. 1551, 1908), Washington (chap. 32, 1909), and Wyoming (chap. 120, 1909). Some of these laws limit the rate of interest, restrict the period which may be covered by the assignment, and prohibit assignments to secure a prior debt. Some require a wage broker to secure a license and have a known place of business. The assignment must in general be in writing, and the law may require that it shall be filed or recorded in some public office. The sum named must be the actual amount advanced by or owing to the person to whom the assignment is made. Nearly all the laws require the employer to accept, or at least to be notified of, the assignment, and if the assignor is a married man the

wife must join in the assignment. Assignments made in violation of the provisions of the laws are void.

By a statute of New York, claimants of wages for domestic personal service have enjoyed special benefits in the matter of the garnishment of the wages, earnings, etc., of the debtor in satisfaction of any judgment secured by such claimant. These privileges were made general by an act of the legislature of 1908 (chap. 148).

Creditors of wage-earners are forbidden to assign or send their claims out of the State for the purpose of avoiding the provisions of the State exemption laws, in Arkansas (No. 34, 1909) and in North Carolina (chap. 504, 1909). The exemption law of Arkansas was amended (No. 195, 1909) by prohibiting a second garnishment of wages within sixty days of the first; while a Connecticut statute (chap. 181, 1909) adds to the exempted funds the benefits of any society in the State paying sick or disability benefits.

The law of Oregon allowed no exemption of wages from garnishment where the debt was for family expenses incurred within six months of the writ. The limitation of six months was stricken out by the legislature of 1909 (chap. 49), so that there is now no exemption where the debt is for family expenses, whenever incurred. The same law permits no exemption where the debt is for money procured by fraud or false pretenses. A further statute of Oregon subjects the wages of public employees to garnishment under the same conditions as for those of private employees, the pay or audit officer of the debtor being required to answer to the garnishment (chap. 11, 1909).

The statute of Iowa declaring a preference for wage claims in executions, etc., restricted such preferences to executions or actions of creditors of certain designated forms. An amendment (chap. 204, 1909) extends the law so as to cover proceedings of any sort in which the property of an employer is to be taken for the benefit of his creditors.

Attorneys' fees in case of successful suits for wages are granted, within fixed conditions, by statutes of Texas (chap. 47, 1909) and of Wisconsin (sec. 3775, 1909).

Wages due laborers by contractors are sought to be secured by statutes enacted in a number of States, directing that contractors give bond as security for the payment thereof. It is the purpose of these bonds to avoid the necessity of enforcing a lien, with the attendant expense, delay, and risk to wage claimants, as well as to protect the owner of the property from liability for the acts of a contractor whom he may have settled with in full under the terms of his contract. These laws may apply only to contractors or labor on public works, as in Missouri (p. 138 and p. 382, 1909) and in Washington (chap. 207, 1909); to special classes of work, as on rail-

roads (Wyoming, chap. 124, 1909), ditches (Wyoming, chap. 78, 1909), or buildings (Louisiana, No. 65, 1908); or they may be of general application (Kansas, chap. 183, 1909). A law of Washington (sec. 352, chap. 249, 1909) makes a contractor who accepts full pay from his principal for work for which a lien might accrue and who fails to pay his employees' wages due therefor guilty of larceny.

HOURS OF LABOR.

The hours of labor on public works are fixed at eight per day by an act of the legislature of Wisconsin (secs. 1729m and 1729n, 1909), the statute requiring that contracts shall stipulate its observance. The law of New York on this subject was amended (chap. 292, 1909: see sec. 3, chap. 31, Consolidated Laws, 1909) so as to extend its provisions to work done under any commission appointed pursuant to law.

Railroad labor was the subject of legislation in Porto Rico (p. 170, 1908) and in Texas (chap. 101, 1909). In Porto Rico the hours of labor are fixed at twelve per day for conductors, engineers, firemen, train dispatchers, telegraph operators, or any trainman, eight hours' rest to be allowed thereafter before the resumption of duty. The Texas statute amended a former law by substituting sixteen hours' service instead of fourteen for trainmen, after which eight hours' rest is to be allowed, this change bringing the law of the State into conformity with the federal statute on the subject.

Employment in mines and smelters is limited to eight hours per day by the laws of a number of States, the legislatures of California (chap. 181, 1909) and of Washington (chap. 220, 1909) enacting new laws on this subject. Previously existing laws are amended or supplemented in Arizona (chap. 18, 1909), Idaho (p. 4, 1909), Nevada (chap. 64, 1909), and Wyoming (chap. 17, 1909). The Washington statute distinguishes between miners, who may remain at their working places not more than eight hours exclusive of one-half hour for lunch, and other underground employees, as engineers, rope riders, motormen, cagers, and other persons necessarily employed in transporting men in and out of the mine, who may work not more than ten hours per day. The Arizona law limits to eight per day the hours of labor of hoisting engineers at mines and of furnace men at smelters. The Idaho statute is an amendment, making a more specific enumeration of the places of employment to which the law applies. A former law of Wyoming was restricted in its application to coal mines, but the present act limits to eight per day the hours of labor of employees in mines generally, and in smelters and all establishments for the reduction of ores. Only underground workings are embraced under the term "mines" in the laws above noted, but the Nevada law fixes the same standard for work in open-pit and open-cut mines in that State as for underground workings.

Employees engaged in the laundry department of laundries may work but eight hours per day according to a statute of Arizona (chap. 100, 1909). The same term is fixed for labor of employees in plaster and cement mills in Nevada (chap. 44, 1909). In South Carolina the law providing that ten hours a day or sixty hours a week shall constitute the hours for working in cotton and woolen factories is amended by a provision that the hours of a single day shall not exceed eleven, except for the purpose of making up lost time; but the total of such lost time to be made up may not exceed sixty hours per annum (No. 121, 1909). The Montana legislature (chap. 75, 1909) restricted the hours of labor of telephone operators to nine per day in towns having a population of 3,000 and over.

SUNDAY LABOR.

Practically every State in the Union has a law prohibiting or restricting labor on Sundays, besides which are laws limiting the number of hours of work that may be performed in a week, which are, in effect, restrictive in such a form as to secure to the persons affected by them one day of rest out of seven. A number of laws relating to Sunday labor were passed during the period under consideration, though most of the changes made were of minor importance. The statute of Washington (secs. 242 and 244, chap. 249, 1909) excepts livery stables and garages from its prohibitions. The legislature of Wisconsin (sec. 4595, 1909) declared barbering not a work of necessity or charity within the exceptions of its restrictive law; while the Missouri legislature (p. 445, 1909) repealed a law applying exclusively to the work of barbering. The operation of railroad trains on Sunday is prohibited in North Carolina, except for the transportation of mails, passengers with their baggage, express service, and the moving of live stock and perishable freight. This law is amended (chap. 285, 1909) by permitting the continuance of the movement of solid through freight trains entering the State on Sunday and consigned to destinations beyond its borders. The Virginia legislature authorized (chap. 180, 1908) the court or justice sentencing any person for the violation of the Sunday labor law to require of the offender a recognizance in a penalty of from \$100 to \$5,000, conditioned on the observance of the law for a period of twelve months. A permissive feature was enacted by the Massachusetts legislature (chap. 420, 1909), whereby certain city or town officers are given power to authorize Sunday labor for a single day, the permit to be granted not more than six days in advance of the Sabbath on which the work is to be performed. City firemen are granted a full twenty-four-hour period of rest per week in the fire departments of cities of the second and third class in the State of Wisconsin (1729a-10, 1909).

LAWS OF VARIOUS STATES RELATING TO LABOR, ENACTED SINCE JANUARY 1, 1908.

[The Twenty-second Annual Report of this bureau contains the laws of the various States and Territories and of the United States relating to labor, in force January 1, 1908. Later enactments are reproduced below, forming in effect a supplement to the Twenty-second Annual Report. (See the introduction to the Review of labor legislation, p. 455 above.) Instead of reproducing the text of the law in full in cases where slight changes occur, such changes have in many instances been indicated in brief notes, these notes being inclosed in brackets. An index of both the report named above and of the laws here published is to be found on pages 817 et seq. of this issue.]

ALABAMA.

SPECIAL SESSION—1909.

Intoxication of railway employees.

(Page 63.)

SECTION 7. Every person who being employed upon any railway or street railway as engineer, conductor, baggage master, brakeman, switch tender, flagman, motorman or signal man or person having charge of stations or the starting or regulating or running of trains upon any railway or street railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a misdemeanor. Intoxication a misdemeanor.

Approved August 25, 1909.

Employment of children.

(Page 158.)

[This chapter reenacts without material change sections 6428 to 6448, inclusive, of the Code of 1907.]

ARIZONA.

ACTS OF 1909.

CHAPTER 18.—*Hours of labor of employees at mines and furnaces.*

SECTION 1. The period of employment of hoisting engineers at the mines in this Territory and furnace men at the smelters in said Territory shall be eight hours per day, except in cases of emergency where life, or property is in imminent danger. Eight hours a day's work.

Approved March 10th, 1909.

CHAPTER 36.—*Mine regulations—Commission to draft code.*

SECTION 1. The governor, with the advice and consent of the council, shall appoint five suitable persons, residents of Arizona, two of whom shall be practical miners, and two of whom shall be mine owners and operators employing at least one hundred men, Governor to appoint commission.

Duties.

and one of whom shall be a member of the bar of Arizona who has been in the active practice of the law, in Arizona Territory for at least two years immediately before the passage of this act, (the term "mine owners and operators" shall be taken to mean and include the general manager, superintendent, or other managing officer of any mine owner or operator) who shall constitute a commission whose duty it shall be to prepare and draft a complete and comprehensive code of laws regulating metalliferous mining and providing for effective mine inspection. One person shall be designated by the terms of his appointment as chairman of said commission; and the governor shall fill, by appointment, all vacancies which may occur in said commission. That each of said commissioners shall receive for such services rendered the sum of ten dollars per day for each day while actually in attendance upon the sessions of said commission, not to exceed ten days. That said commission may employ a clerk or stenographer whose total compensation shall not exceed one hundred dollars, and may likewise incur an additional expense for incidentals not to exceed the sum of fifty dollars.

Sessions.

SEC. 2. Said commission shall, within sixty days after appointment of the members thereof, meet, and hold its sessions at such place in Arizona Territory, as the chairman shall designate. The expense, including compensation of said commissioners shall be paid by the territorial treasurer upon vouchers certified by the chairman of the commission or by order of the other members of the commission, in case of his absence or inability to act; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund of the Territory and made immediately available for the payment of said compensation and expenses.

Procedure.

SEC. 3. The commissioner [commission] is empowered to make all necessary or convenient and proper rules and regulations for the transaction of its business, and shall, for a period of six consecutive days, grant public hearings, at which time any and all persons desiring to go before such commission shall be heard. That the time said first hearing shall begin shall be noticed by notice signed by the chairman of said commission and published in some daily newspaper published in the city of Phoenix for a period of at least thirty days prior to the beginning of said hearing. That as soon as said hearings are completed said commission shall proceed to prepare and draft a complete and comprehensive code of laws regulating metalliferous mining, and providing for effective mine inspection, and shall, together with a written report of their actions, deliver the same to the governor to be by him laid before the next ensuing legislative assembly of the Territory of Arizona.

Approved March 11th, 1909.

CHAPTER 64.—*Payment of wages due deceased employees.*

To whom
payments may
be made.

SECTION 1. From and after the passage of this act, it shall be lawful for any employer in this Territory, at any time not less than thirty days after the death of his employee, to pay all wages due to such deceased employee to the wife, children, father, or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages due do not exceed one hundred and fifth [fifty] dollars in amount: *Provided, however,* That if such deceased employees shall not leave a wife, children, father, mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee to the creditors, as follows: Undertaker, physician, boarding-house keeper, and nurse, each his or her pro rata share of wages, not exceeding one hundred and fifty dollars, due the deceased,

upon affidavit of fact furnished, without letters of administration being used.

SEC. 2. The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid. Such payment is release.

Approved March 16th, 1909.

CHAPTER 100.—Hours of labor of employees in laundries—Air space.

SECTION 1. The period of employment of working women and other persons who shall be employed in working in the laundry department in any laundry establishment, shall be eight hours in any one day except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week, and in no case shall the hours of labor exceed forty-eight hours in a week. Eight hours a day's work.

Every employer shall post in a conspicuous place in every room where such persons are employed a printed notice stating the number of hours work required of them on each day of the week; and the employment of any such person for longer time in any day than that so stated shall be deemed a violation of this section, unless it appears that such employment is to make up for time lost on some previous day of the same week in consequence of the stopping of machinery upon which such person was employed or depended for employment. Hours to be posted.

SEC. 2. There shall be afforded not less than (600) six hundred cubic feet of air to each worker or occupant of any laundry building or room, and every room shall have at least two windows connecting with the external air and so arranged as to provide a fresh current of air. Air space.

SEC. 3. Any person, body corporate, agent, manager or employer who shall violate any of the provisions of section 1 and 2 of this act shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than one hundred (\$100) dollars, nor more than three hundred (\$300) dollars for each offense, the same to be collected as in other cases where fines are imposed. Violations.

Approved March 18th, 1909.

CHAPTER 103.—Payment of wages in scrip.

SECTION 1. It shall be unlawful for any person, firm, company or corporation, owning or operating any mines, smelters, mills or manufactory, or transacting any kind of general mercantile business, in the Territory of Arizona, or any railroad company operating in the Territory of Arizona, to sell, give, deliver, or in any manner issue directly or indirectly, to any person employed by him, in payment of wages due for labor, or as advances on wages of labor not due, any script [scrip], check, draft, ticket, punch out, due bill, store order or evidence of indebtedness payable, or redeemable otherwise than in their face value in money; and any such person, acting member or agent of any firm, acting agent or officer of any company or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not over five hundred dollars (\$500) or be imprisoned in the county jail not more than six months nor less than one month. Scrip, etc., to be redeemable in money.

SEC. 2. Whoever compels, or in any manner seeks to compel or coerce any employee or any person, firm, company or corporation, to purchase goods or supplies from any particular person, firm, company, or corporation shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not less than five hundred dollars (\$500) or be imprisoned in the county jail not more than six months. Coercion in trade.

Enforcement. SEC. 3. The district attorney of any county in the Territory of Arizona, upon complaint made to him of the violation of any of the provisions of this act in such county shall cause such complaint to be investigated before the grand jury of the county at its next sitting: *Provided, also,* That any person injured by or knowing the fact of such violation of this law may file complaint before the courts, in the usual way.

[Became a law over governor's veto, March 18, 1909.]

ARKANSAS.

ACTS OF 1909.

ACT No. 13.—*Payment of wages—Semimonthly pay day.*

Application of statute. SECTION 1. All corporations doing business in this State who shall employ any salesmen, mechanics, laborers or other servants for the transaction of their business shall pay the wages of such employees semimonthly.

Violations. SEC. 2. Any corporation that shall, through its president, or otherwise, violate section one of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars for each offense.

Approved February 1, 1909.

ACT No. 34.—*Exemption of wages—Unlawful assignment of claims.*

Sending claims out of State. SECTION 1. Whoever, whether principal, agent or attorney, with intent thereby to deprive any resident of this State of his or her rights, under the statutes of this State on the subject of the exemption of property from levy and sale on execution, or in attachment or garnishment, sends, or causes to be sent out of this State any claim for debt to be collected by proceedings in attachment, garnishment, or other mesne process, when the creditor, debtor or person or corporation owing for the earnings intended to be reached by such proceedings are each and all within the jurisdiction of the courts of this State, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined for each and every claim so sent out of this State in any sum not less than ten dollars nor more than fifty dollars.

Assigning claims for collection outside of State. SEC. 2. Whoever, either directly or indirectly, assigns or transfers any claim for debt against a citizen of this State for the purpose of having the same collected by proceedings in attachment, garnishment, or other process, out of the wages or personal earnings of the debtor, in courts outside of this State, when the creditor, debtor, person or corporation owing the money intended to be reached by the proceedings in attachment are each and all within the jurisdiction of the courts of this State, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than fifty dollars.

Approved February 19, 1909.

ACT No. 195.—*Exemptions of wages from garnishment.*

What wages exempt. SECTION 1. Section 3905 of Kirby's Digest [shall] be amended so as to read as follows:

The wages of all laborers and mechanics, not exceeding their wages for sixty days, shall hereafter be exempt from seizure by garnishment or other legal process: *Provided,* The defendant in any case shall file with the court from which such process shall be issued a sworn statement that said sixty days' wages, claimed to be exempt, is less than the amount exempt to him under the

constitution of the State, and that he does not own sufficient other personal property, which, together with the said sixty days' wages, would exceed in amount the limits of said constitutional exemption: *Provided*, That when wages are claimed as exempt, the wages of the person claiming such exemption shall not again be seized by garnishment or other legal process, for a period of sixty days.

Any officer violating the provisions of this section shall be subject to the fines and penalty mentioned in section 3914.

Approved May 1, 1909.

ACT No. 234.—*Employment of children—School attendance.*

SECTION 1. Every parent, guardian or other person in the State of Arkansas, having charge and control of any child between the ages of (8) and (16) years, shall cause such child to attend regularly some day school, public, private, parochial or parish, not less than one-half of the entire time the public school said child attends is in session, during any one year, or shall provide such child at home with such regular daily instruction during the usual hours as shall be, in the judgment of court or school board having competent jurisdiction, substantially equivalent to at least the instructions given the children of like age and advancement at the day public school in the locality in which said child resides: *Provided*, That every parent, guardian or other person in the State of Arkansas, having charge and control of any child between the ages of sixteen and twenty years, who is not actively and regularly and lawfully engaged in some useful employment or service, shall cause said child to attend school as hereinbefore provided for children from 8 to 16 years.

School attendance required.

Provido.

SEC. 3. The board having charge of a public school in a city or district shall appoint for a period of one year, one or more attendance officers to enforce the provisions of this act. * * * The attendance officers shall serve written or printed notices upon the parents or guardians, or persons who have charge and control of any child or children as aforesaid who violate the provisions of this act, and shall, when reasonable doubt exists as to the age of any child, require a properly attested birth certificate or an affidavit stating such child's age, the date of birth and physical characteristics; and shall have the right to visit and enter any office or factory or business house employing children as aforesaid; and the right to require a properly attested certificate of attendance of any child or children at such day school; and power to arrest without warrant, all truants and nonattendants as aforesaid and place them in some public school, unless the parents, guardians, or persons in charge and control of said children, respectively, shall at once place them in some other day school as aforesaid. * * *

Attendance officers.

SEC. 7. No child between 8 and 16 years of age shall be employed in any mine, factory, workshop, mercantile establishment, or in any manner, during the usual school hours while such school is in session, unless the person employing such child shall first procure a certificate from the superintendent or the teacher of the school he or she attended, stating that such child attended school for the period required by law, or has been excused from attendance as provided in section 2 of this act, and it shall be the duty of such superintendent or teacher to furnish such certificate upon application of a parent, guardian, or person having control of such child entitled to same.

Schooling certificate.

SEC. 8. Every owner, superintendent, or officer of any mine, factory, workshop, or mercantile establishment, and any other person who shall employ any child between 8 and 16 years of age, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined for each offense in a sum not less than ten (\$10) dollars, nor more than thirty dollars.

Violations.

SEC. 9.

* * * * *

Exemptions. *Provided,* The following counties shall be exempted from the provisions of this act: Arkansas, Ashley, Baxter, Boone, Bradley, Calhoun, Clark, Chicot, Cleburne, Columbia, Conway, Crittenden, Cross, Dallas, Desha, Drew, Hempstead, Hot Spring, Howard, Izard, Jefferson, Lafayette, Lee, Lincoln, Little River, Logan, Lonoke, Marion, Miller, Mississippi, Monroe, Montgomery, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Pulaski, Saline, Searcy, Woodruff and Yell.

Approved May 12, 1909.

Special laws. [Act No. 347 enacts for nine counties, including four of those above exempted, a compulsory-attendance law for children from eight to fourteen years of age, in the main corresponding in its provisions with those of act No. 234.]

ACT No. 298.—Railroads—Trains not to be run without sufficient crews.

Crew required. SECTION 1. No railroad company or officer of court owning or operating any line or lines of railroad in this State, and engaged in the transportation of passengers over its line or lines, shall equip any of its said passenger trains with a crew consisting of less than an engineer, a fireman, a conductor, a porter and a flagman or brakeman, except as hereinafter provided.

Application of law. SEC. 2. This act shall not apply to any railroad company or officer of court, whose line or lines are less than one hundred miles in length, nor to any railroad in this State regardless of the length of said lines where said passenger train so operated shall consist of less than three cars, it being the purpose of this act to require all railroads in this State whose line or lines are over one hundred miles in length, engaged in the hauling of a passenger train consisting of three cars or more, to equip the same with a crew consisting of not less than an engineer, a fireman, a conductor, a porter and a flagman or brakeman, but nothing in this act shall be so construed as to prevent any railroad company or officer of court from adding to or increasing its crew beyond the number set out in this act.

Violations. SEC. 3. Any railroad company or officer of court violating any of the provisions of this act, shall be fined for each offense not less than one hundred nor more than five hundred dollars, and each passenger train so illegally run shall constitute a separate offense.

Approved May 31, 1909.

ACT No. 299.—Railroads—Hospitals for employees.

Hospitals to be maintained within State. SECTION 1. Every railroad company or corporation operating railroads in this State who have heretofore collected or received hospital fees from their employees or who may hereafter collect or receive such hospital fees from such employees, shall provide hospital facilities in this State of such capacity and equipment as will be sufficient for the care, needs and accommodation of their sick or injured employees who are residents of this State. Any such employees injured while in the service of any such railroad, shall not be taken or sent out of the State for treatment.

Violations. SEC. 2. Any railroad company or corporation operating railroads in this State, who shall violate any of the provisions of this act, shall be liable on conviction to a fine of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars for each offense, each day to constitute a separate offense.

Approved May 31, 1909.

CALIFORNIA.

CODES OF 1906—GENERAL LAWS.

Act No. 1098.—*Inspection of factories and workshops.*

[This act (chapter 5, Acts of 1889) was declared unconstitutional by the supreme court of the State on account of certain provisions in section 4, and for this reason was omitted from Sims' Edition of the General Laws, and from the Twenty-second Annual Report of the U. S. Commissioner of Labor. The action of the legislature in amending the law, eliminating the invalid provisions, indicates that it is regarded as valid as amended. It is therefore reproduced in full in its amended form.]

SECTION 1. Every factory, workshop, mercantile or other establishment, in which five or more persons are employed, shall be kept in a cleanly state and free from the effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of water-closets or privies for the use of the persons employed therein. Whenever the persons employed as aforesaid are of different sexes, a sufficient number of separate and distinct water-closets or privies shall be provided for the use of each sex, which shall be plainly so designated, and no person shall be allowed to use any water-closet or privy assigned to persons of the other sex.

Sanitation.

SEC. 2. Every factory or workshop in which five or more persons are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, as far as practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

Ventilation.

SEC. 3. No basement, cellar, underground apartment, or other place which the commissioner of the bureau of labor statistics shall condemn as unhealthy and unsuitable, shall be used as a workshop, factory, or place of business in which any person or persons shall be employed.

Use of cellars, etc.

SEC. 4 (as amended by chapter 52, Acts of 1909). In any factory, workshop, or other establishment where a work or process is carried on by which dust, filaments, or injurious gases are produced or generated, that are liable to be inhaled by persons employed therein, the person, firm or corporation, by whose authority the said work or process is carried on, shall cause to be provided and used in said factory, workshop or other establishment, exhaust fans or blowers with pipes and hoods extending therefrom to each machine, contrivance or apparatus by which dust, filaments or injurious gases are produced or generated. The said fans and blowers, and the said pipes and hoods, all to be properly fitted and adjusted, and of power and dimensions sufficient to effectually prevent the dust, filaments, or injurious gases produced or generated by the above said machines, contrivances or apparatuses, from escaping into the atmosphere of the room or rooms of said factory, workshop or other establishment where persons are employed.

Fans, blowers, etc., to be installed.

SEC. 5 (as amended by chapter 12, Acts of 1903). Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment shall provide suitable seats for the use of the females so employed, and shall provide such seats to the number of at least one-third the number of females so employed; and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Seats for female employees.

SEC. 6. Any person or corporation violating any of the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense.

Penalty.

SEC. 7. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act.

Enforcement.

ACTS OF 1909.

CHAPTER 42.—*Bureau of labor.*

SECTION 1. Section nine of an act entitled, "An act to establish and support a bureau of labor statistics," is hereby amended to read as follows:

Personnel of
bureau.

Section 9. The commissioner shall appoint a deputy, who shall have the same powers as said commissioner, an assistant deputy, who shall reside in the city of Los Angeles, a statistician, a stenographer, and such agents or assistants as he may from time to time require, at such a rate of wages as he may prescribe, but said rate must not exceed five dollars per day and actual traveling expenses for each person while employed. He shall procure rooms necessary for offices, at a rent not to exceed the sum of one hundred and fifty dollars per month.

Approved February 20, 1909.

CHAPTER 59.—*Board of health—Effect of employments on health.*

SECTION 1. Section two thousand nine hundred seventy-nine of the Political Code is hereby amended to read as follows:
2979.

Investiga-
tion directed.

* * * * *
It [the state board of health] shall cause special investigation of the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, * * *

* * * * *
Approved February 22, 1909.

CHAPTER 89.—*Employment offices.*

SECTION 1. Section 8 of an act entitled "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, approved March 18, 1905, is hereby amended to read as follows:

Violations.

Section 8. Any employment agent or other person violating or omitting to comply with, any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred (500) dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment in the discretion of the court. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

Approved March 3, 1909.

CHAPTER 102.—*Employment offices.*

SECTION 1. Section seven of an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," is hereby amended to read as follows:

Access to
records.

Section 7. Each employment agent in the State of California shall permit the commissioner of the bureau of labor statistics of said State, by himself, or by his deputies or agents, to have at all times access to, and to inspect, the record in section six hereof named, and upon demand in writing therefor by said commissioner, shall furnish to such commissioner a true copy of said record, or of such portion thereof as said demand in writing shall require a copy of to be thus furnished. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrest for violations of the provisions of this act.

Approved March 6, 1909.

CHAPTER 104.—*Inspection of factories, etc.—Manufacture of food products.*

SECTION 1. Every building, room, basement or cellar, occupied, or used as a bakery, confectionery, cannery, packing house, slaughterhouse, restaurant, hotel, grocery, meat market, or other place or apartment, used for the production, preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced, kept, handled or sold; and for the purpose of this act the term "food" shall include all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof. Sanitation required.

SEC. 2. The floors, side walls, ceilings, furniture, receptacles, utensils, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, shall at no time be kept in an unclean, unhealthful or unsanitary condition; and for the purposes of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale or distribution is not securely protected from flies, dust, dirt, unsanitary conditions, and as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt, and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling and distributing of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers, and all other utensils, receptacles, and machinery, used in moving, handling, cutting, chopping, mixing, canning, and all other processes used in the preparation of food, are not thoroughly cleaned daily; and if the clothing of operatives, employees, clerks, and other persons therein employed, is unclean, or if they dress or undress, or leave or store their clothing therein. Floors, utensils, etc., to be clean.

SEC. 3. The side walls and ceilings of every bakery, confectionery, hotel and restaurant kitchen, shall be well plastered, or ceiled, with metal or lumber, or shall be oil painted or kept well limewashed, or otherwise kept in a good sanitary condition and all interior woodwork of every bakery, confectionery, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paint, and be kept washed clean with soap and water or otherwise kept in a good sanitary condition; and every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor, made of cement or tile laid in cement, brick, wood or other suitable, nonabsorbent material which can be flushed and washed clean with water. Construction of walls and ceilings.

SEC. 4. The doors, windows and other openings of every food producing or distributing establishment, where practicable, shall be fitted with stationary or self-closing screen doors and wire window screens, of not coarser than fourteen-mesh wire gauze. Floors. Screens.

SEC. 5. Every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms, separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing, is conducted. The floors of such toilet rooms shall be of cement, tile laid in cement, wood, brick or other nonabsorbent material, and shall be washed and scoured daily. Such toilets shall be furnished with separate ventilating pipes or flues, discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and wash rooms shall be Toilet rooms, etc.

adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a clean and sanitary condition. Operatives, employees, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work and immediately after visiting a toilet or lavatory shall wash their hands and arms thoroughly in clean water.

Cuspidors.

Sec. 6. Cuspidors, for the use of operatives, employees, clerks and other persons, shall be provided, and each cuspidor shall be emptied and washed out daily with disinfectant solution and not less than five ounces of such solution shall be left in each cuspidor while in use. No operative, employee, clerk or other person, shall expectorate or discharge any substance from his nose or mouth, on the floor or interior side wall of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation or sale of any food product is conducted.

Sleeping in workrooms.

Sec. 7. No person shall be allowed to, nor shall he, reside or sleep in any room of a bake shop, public dining room, hotel or restaurant kitchen, confectionery, or other place where food is prepared, produced, manufactured, served or sold.

Contagious or infectious diseases.

Sec. 8. No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar, place or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food, who is afflicted or affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping-cough, chicken pox, or any other infectious or contagious disease.

Enforcement.

Sec. 9. The members of the state board of health, inspectors and agents appointed by said board, and all local health officers and inspectors, shall have full power at all times to enter every building, room, basement, cellar, or any place occupied or used, or suspected of being occupied or used, for the production, manufacture, preparation, storage, sale or distribution of food, and to inspect the premises and all utensils, implements, receptacles, fixtures, furniture and machinery used as aforesaid, and if, upon inspection, any such building, room, basement, cellar, or any such place, vehicle, employer, operative, employee, clerk, driver, or other person, is found to be in violation or violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale or distribution of food is being conducted in a manner detrimental to the health of the employees or operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination shall at once make a written report of the same to the district attorney of the county who shall prosecute all persons violating any of the provisions of this act, and also to the state board of health. The state board of health, from time to time, as in its discretion it may determine, may publish such reports in its monthly bulletin.

What are nuisances.

Sec. 10. All buildings, rooms, basements, cellars, and other places and things, kept, maintained or operated, or which are, in violation of the provisions of this act or any of them, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed or transported, in violation of the provisions of this act or any of them, are hereby declared to be public nuisances, dangerous to health. Such nuisances may be abated or enjoined, in an action brought for that purpose by the local or state board of health, or they may be summarily abated in the manner provided by law for the summary abatement of public nuisances dangerous to health.

Violations.

Sec. 11. Any person, firm or corporation, whether as principal or agent, employer or employee, who violates any of the provisions of this act shall be guilty of a misdemeanor, and each day that conditions or actions, in violation of this act, shall continue,

shall be deemed to be a separate and distinct offense, and for each offense, upon conviction, he shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fines and imprisonment.

Approved March 6, 1909. •

CHAPTER 107.—*Protection of employees on buildings.*

SECTION 1. Any building more than three stories high in the course of construction shall have the joists, beams or girders of each and every floor below the floor or level where any work is being done or about to be done, covered with flooring laid close together, or with other suitable material, to protect workmen engaged in such building from falling joists or girders, and from falling bricks, rivets, tools and other substances whereby life and limb are endangered. Flooring to be laid during construction.

SEC. 2. It shall be the duty of the contractor having charge of such building to provide the flooring as herein required. Contractor's duty.

SEC. 3. It shall be the duty of the owner of such building to see that the contractor carries out the provisions of this act. Owner's duty.

SEC. 4. Should the owner of such building let a contract for the construction of the class of building as herein provided to more than one contractor it shall then be the duty of the owner to provide the flooring as herein required. Same.

SEC. 5. Failure upon the part of the owner or contractor to comply with the provisions of this act shall be deemed a misdemeanor and shall be punishable as such. Violations.

Approved March 6, 1909.

CHAPTER 120.—*Employment offices.*

SECTION 1. Any business, pursued for profit, for furnishing directly or indirectly, to persons seeking employment, information enabling, or tending to enable such persons to secure such employment, or registering for any fee, charge, or commission, the names of any persons seeking employment as aforesaid, shall be deemed to be an employment agency within the meaning of this act. Definition.

SEC. 2. Every person, firm, corporation or association who conducts or operate an employment agency in the State of California, without first procuring a license therefor, as provided in this act, is guilty of a misdemeanor. License required.

SEC. 3. Licenses granting the privilege to conduct or operate employment agencies shall be issued and delivered upon application, by the commissioner of the bureau of labor statistics, which license shall contain the name of the person, firm, corporation or association, seeking to conduct or operate an employment agency, and the exact location of the employment agency. Licenses.

SEC. 4. The licenses herein provided for shall be issued as follows: To any person, firm, corporation or association, conducting or operating, or seeking to conduct or operate, an employment agency To whom issued.

1. In cities of the first, first and one-half and second classes upon payment of fifty dollars.

2. In cities of the third and fourth classes, upon payment of twenty-five dollars.

3. In all other cities and towns, upon payment of six dollars.

SEC. 5. Every person, firm, corporation or association applying for and procuring a license as herein provided, shall give to the commissioner of the bureau of labor statistics, the name and resident address of such person, or the names and resident addresses of the partners of such firms, or the names and resident addresses of the officers and directors of such corporations or associations, and the city or town, street and number, where the em- Applications.

ployment agency is conducted or operated, or sought to be conducted and operated.

Term of license. SEC. 6. All licenses issued as herein provided shall be valid, and shall authorize the person, firm, corporation or association to whom issued, to conduct or operate an employment agency on and from the date of issuing to the thirty-first day of March following, but no license shall continue in force for a longer period than one year.

Fees and fines. SEC. 7. All moneys collected for licenses as provided herein and all fines collected for violation of the provisions hereon, shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

Branch agencies. SEC. 8. Every person, firm, corporation or association conducting or operating, or seeking to conduct or operate branch employment agencies in the same or different localities must procure a separate license for such branch employment agencies; and no license issued as herein provided shall be transferable or used by any other person, firm, corporation or association than the one to whom it was issued, or used in a different location than the one for which it was issued, without the written consent of the commissioner of the bureau of labor statistics.

Licenses to be posted. SEC. 9. All licenses issued as herein provided, shall be posted in a conspicuous place, and any person, firm, corporation or association having such license and who refuses to exhibit the same upon demand of any officer or agent of the bureau of labor statistics, or any peace officer of the State, shall be guilty of a misdemeanor; and any person, firm, corporation or association lawfully having such licenses, and who transfers or disposes of the same to another person, firm, corporation, or association to be used as an employment agency license, shall forfeit the same.

Violations. SEC. 10. Every person, firm, corporation or association violating any of the provisions of this act, shall upon conviction thereof, be guilty of a misdemeanor.

Revocation of license. SEC. 11. Upon conviction, of any person, firm, corporation or association for the violation of any of the provisions of this act, or an act entitled, "An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor," approved February 12, 1903, the commissioner of the bureau of labor statistics shall have the right to revoke all licenses issued to such person, firm, corporation or association, enabling them to conduct or operate an employment agency.

County, etc., taxes. SEC. 12. Nothing in this act shall be construed to prevent the collection of any tax or license by any county or municipal authority.

Approved March 6, 1909.

CHAPTER 128.—*Employment of children—School attendance.*

Unlawful employment. SECTION 1. All minors coming within the provisions of an act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," (approved February 20, 1905) and found employed and at work without the necessary legal authorization as provided for and required in said act, and whose ages are between the maximum and minimum age limits as described in an act entitled, "An act to enforce the educational rights of children and providing penalties for violation of the act," shall be placed or delivered into the custody of the school district authorities of the county, city, or city and county in which they are found illegally at work.

Enforcement. SEC. 2. The commissioner of the bureau of labor statistics is hereby authorized, directed and empowered to enforce the provisions of this act.

Approved March 8, 1909.

CHAPTER 134.—*Bureau of labor—Report on Japanese.*

SECTION 1. Upon this act becoming effective the governor shall direct the state labor commissioner to immediately undertake and complete as soon as possible the gathering and compiling of statistics and such other information regarding the Japanese of this State as may be useful to the governor in making a proper report to the President of the United States and to Congress, and in furnishing to the people of this State and elsewhere a comprehensive statement of such conditions as actually exist. Upon the order of the governor such statistics and information shall be printed and distributed.

Investigation of Japanese.

Approved March 8, 1909.

CHAPTER 181.—*Hours of labor of employees in mines and smelters.*

SECTION 1. The period of employment for all persons who are employed or engaged in work in underground mines in search of minerals, whether base or precious, or who are engaged in such underground mines for other purposes, or who are employed or engaged in other underground workings whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or who are employed in smelters and other institutions for the reduction or refining of ores or metals, shall not exceed eight hours within any twenty-four hours, and the hours of employment in such employment or workday shall be consecutive, excluding, however, any intermission of time for lunch or meals: *Provided*, That in the case of emergency where life or property is in imminent danger, the period may be a longer time during the continuance of the exigency or emergency.

Eight hours a day's labor.

SEC. 2. Any person who shall violate any provision of this act, and any person who as foreman, manager, director or officers of a corporation, or as the employer or superior officer of any person, shall command, persuade or allow any person to violate any provision of this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300), or by imprisonment of not more than three months. And the court shall have discretion to impose both fine and imprisonment as herein provided.

Violations.

Approved March 10, 1909.

CHAPTER 250.—*Leave of absence for employees in public service.*

SECTION 1. Each employee regularly employed at the state hospitals and each employee regularly employed in the service of any of the state commissions or state boards or in the state printing office who shall have been employed for a period of not less than six months shall be allowed, during each year of his service, a vacation of not less than fifteen days' duration; said vacation to be without loss of pay, and the time allowed for said vacation to be designated by the management of such state hospitals, and by the members of the state commissions and state boards and by the superintendent of state printing.

Leave of absence allowed.

Approved March 15, 1909.

CHAPTER 254.—*Employment of children.*

SECTION 1. Section 2 of an act entitled, "An act regulating the employment and hours of labor of children, [etc.], approved February 20, 1905, is hereby amended to read as follows:

[This amendment adds to the list of employments for which night work is prohibited by the section of the law indicated the following also: Employment in places of amusement, restaurants, hotels, apartment houses, and employment in the distribution or transmission of merchandise or messages.]

Night work.

SEC. 2. Section 3 of * * * [said] act * * * is hereby amended to read as follows:

Records. [Section 3 is amended by adding employment in places of amusement to the list of employments for which records of names and certificates of children employed are to be kept. The following paragraph is also added:]

Reports. The county superintendent of schools of each county shall file with the commissioner of the bureau of labor statistics a report showing the number of age and schooling certificates issued to male and female minors, fourteen years and fifteen years of age, and such other detailed information as the commissioner may require. Said report to be filed during the months of January and July of each year for the preceding six months ending June 25th and December 25th of each year, and cover certificates issued during said periods and on file in the office of county superintendents of schools, as described in paragraph five of this section.

Sec. 3. Section 4 of * * * [said] * * * act is hereby amended to read as follows:

Fines. [The law formerly provided that any fine collected under its provisions should be paid into the school funds of the county, or city and county, in which the offense occurred. The amendment adds:]

Except such fines imposed and collected as the result of prosecutions by the officers of the bureau of labor statistics. In such cases one-half of resultant fine or fines shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics, and one-half paid into the school funds of the county, or city and county in which the offense occurred.

Sec. 4. Section 6 of * * * [said] act * * * is hereby amended to read as follows:

Enforcement. Section 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies and agents shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Approved March 15, 1909.

CHAPTER 312.—*Accidents on railroads.*

Commission to investigate. SECTION 31a. The railroad commission shall investigate the cause of all accidents on any railroad within the State which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier and railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad owned, operated, controlled or leased by it in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier or railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

Approved March 19, 1909.

CHAPTER 331.—*Labor organizations—Unauthorized use of badges.*

Unauthorized use prohibited. SECTION 1. Any person who shall willfully wear the button of any labor union of this State, unless entitled to wear said button under the rules of such union, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed twenty days in the county jail or by a fine not to exceed twenty dollars, or by both such fine and imprisonment.

Approved March 20, 1909.

CHAPTER 362.—*Antitrust act—Labor organizations exempt.*

SECTION 3. A new section is hereby added to said [antitrust] act to be numbered section thirteen and to read as follows:

Section 13. Labor whether skilled or unskilled is not a commodity within the meaning of this act.

Labor not a commodity.

Approved March 20, 1909.

CHAPTER 392.—*Labor organizations—Unauthorized use of cards.*

SECTION 1. Any person, who shall willfully use the card of any labor union to obtain aid, assistance or employment, thereby within this State, unless entitled to use said card under the rules and regulations of a labor union within this State, shall be guilty of a misdemeanor.

Unauthorized use prohibited.

Approved March 22, 1909.

CHAPTER 413.—*Sale of intoxicants near construction camps.*

SECTION 1. It shall be unlawful for any person to sell, keep for sale, or give away, any spirituous, vinous, malt or mixed intoxicating liquors at any place situated more than one mile outside the limits of an incorporated city or town, and within four miles of any camp or assembly of men, numbering twenty-five or more, engaged upon, or in connection with, the construction, repair or operation of any public or quasi public work, improvement or utility: *Provided, however,* That nothing in this section contained shall be deemed to apply to the sale, keeping for sale, or disposal of any such liquor at a licensed saloon or liquor store which shall have been established, or at a licensed saloon or liquor store which shall be maintained, at the time this act takes effect, upon the same premises where a licensed saloon or liquor store shall have been established, at least six months prior to the establishment of such camp or assembly of men, or to the sale, keeping for sale, or disposal of any such liquors at any winery, licensed brewery or distillery, where the same is manufactured.

Sale, etc., of intoxicants prohibited.

Proviso.

SEC. 2. Any person violating any of the provisions of this statute shall be guilty of a misdemeanor, and, for each offense, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Violations.

Approved March 25, 1909.

COLORADO.

ACTS OF 1909.

CHAPTER 138.—*Examination, etc., of barbers.*

SECTION 1. It shall be unlawful for any person to follow the occupation of barber in this State unless they shall have first obtained a certificate of registration as provided in this act: *Provided, however,* That nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

Certificates required.

Proviso.

SEC. 2. A board of examiners, to consist of three (3) persons, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the governor—one (1) member from the persons who may be recommended by the several unions of journeymen barbers in this State which have been in actual existence at least two (2) years prior to the making of such recommendations, one (1) member who has been for at least three years prior to his appointment, an employing barber in this State, and the third to be a practical barber who has been for at least five years prior to his appointment engaged in such occupation in this State. Each member of said board

Board of examiners.

shall serve for the term of three (3) years, and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1), two (2) and three (3) years respectively, as specified in their appointment. Each member of said board shall give a bond in the sum of twenty-five hundred dollars (\$2,500), with sureties to be approved by the secretary of state, conditioned for the faithful performance of his duties, and shall take the oath provided by the law for public officers. Vacancies upon said board caused by death, resignation, or expiration of the term of any member thereof, shall be filled by appointment from the same class of persons to which the deceased or retiring member belonged.

Organization
of board.

SEC. 3. Said board shall elect a president, secretary and treasurer; shall have its headquarters at the city and county of Denver; shall have a common seal, and the president and secretary shall have power to administer oaths to carry out the provisions of this act only.

Compensation.

SEC. 4. Each member of said board shall receive a compensation of five dollars (\$5) per day for actual service, and five cents (5c.) per mile for each mile actually traveled in attending meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board: *Provided*, That the said compensation and railroad fare shall in no event be paid out of the state treasury.

Reports.

SEC. 5. Said board shall report to the governor of this State a full statement of the receipts and disbursements of the board, by giving an itemized account in pamphlet form, and a copy furnished to each member of the legislature, and each barber working under the provisions of this act during the preceding two (2) years, a full statement of its doings and proceedings and such recommendations as to it may seem proper looking to the better carrying out of the interests and purposes of this act; and said board shall pay the expense of any publication thereof, and said board shall not have the right to create any indebtedness on behalf of the State of Colorado. Any money in the hands of the treasurer of said board, at the time of making such report, in excess of two hundred and fifty dollars (\$250) shall be paid over to the state treasurer, to be by him turned in to the school fund of the State of Colorado.

Examinations.

SEC. 6. Said board shall hold public examinations not less than four (4) times in each year, in not less than four (4) different cities in this State, at such times and places as it may determine. Notice of such meetings to be given by a publication thereof at least ten (10) days before such meetings, at the capital of the State, and in the city where such meetings are to be held.

Registration.

SEC. 7. Every person now engaged in the occupation of barber in this State shall, within ninety (90) days after the approval of this act, file with the secretary of said board an affidavit, setting forth his or her name, residence, and the length of time during which, and the places where, he or she has practiced such occupation, and shall pay to the treasurer of said board one dollar (\$1) and a certificate of registration entitling him or her to practice such occupation for the year ending December 31, 1909, thereupon shall be issued to him or her, and the holder of such certificate shall, within thirty days (30) prior to the expiration of his or her certificate, make application for the renewal of the same, stating the number of expiring certificate, and shall in each case pay to the treasurer of said board the sum of one dollar (\$1) therefore [therefor]. For any or every license given or issued by the board a fee of one dollar (\$1) shall be paid, by the person receiving the same.

Applications.

SEC. 8. Any person not holding a license under the provisions of the preceding section and desiring to obtain a license under this act, shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of five dollars (\$5) which shall be refunded in case license is not issued, and shall present him or herself at the next regular meeting of the

board for examination of applicants, whereupon said board shall proceed to examine such person, and being satisfied that he or she is above the age of nineteen (19) years, of good moral character (free from contagious infectious or blood disease), has either (a) studied the trade for a period of three (3) years as apprentice under a qualified and practicing barber, or (b) studied the trade in a properly appointed and conducted barber school under the instruction of a competent barber for a period of at least three (3) years, or (c) practiced the trade in another State for a period of at least three (3) years, and is possessed of requisite skill in said trade to properly perform all the duties thereof, including his or her knowledge and ability in the aseptic, antiseptic preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, his or her name shall be entered by the board in the register hereinafter provided for, and a certificate of registration shall be issued to him or her, authorizing him or her to practice such trade in this State: *Provided*, That whenever it appears that applicants have acquired their knowledge in a barber school, the board shall be judges of whether said barber school is properly appointed and conducted, and under proper instruction to give sufficient training in such trade.

SEC. 9. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act: *Provided*, That said apprentice shall be registered with the board of examiners and shall display such certificate of registration as is issued by said board, the same to be displayed in front of the chair on which he or she is employed: *Provided*, In no barber shop there shall be more than one apprentice employed.

Apprentices.

SEC. 10. Said board shall furnish to each person to whom a certificate of registration is issued, a card or insignia, bearing the seal of the board and the signature of the president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his or her working chair, where it may be readily seen by all persons whom they may serve.

Cards.

SEC. 11. Said board shall keep a register in which shall be entered the names of all persons to whom licenses are issued or examination, given under this act, and said register shall be open at all times for public inspection.

Register.

SEC. 12. Said board shall have power to revoke any certificate of registration granted by it under this act, for (a) conviction of a felony; (b) habitual drunkenness for a period of six (6) months immediately before a charge duly made; (c) gross incompetency, or (d) contagious or infectious disease: *Provided*, That before any certificate shall be revoked the holder thereof shall have notice in writing from said board of the charge or charges against him or her, and shall at a day specified in said notice, at least fifteen (15) days after the service thereof, be given a public hearing before said board, and full opportunity to produce testimony in his or her behalf, and to confront the witnesses against him or her. Any person whose certificate has been revoked may, after the expiration of ninety (90) days, apply to have the same regranted, and the same shall be regranted to them upon a satisfactory showing that the disqualifications have ceased.

Revocation of certificates.

SEC. 13. Any person who shaves another person afflicted with syphilis, eczema, blood poison, or any skin disease, who does not, before he or she again uses their tools and towels, subject them to disinfection, by boiling, shall be guilty of a misdemeanor and shall be punished accordingly.

Disinfection of tools.

SEC. 14. To shave or trim the beard or cut the hair of any person for hire, or reward, received by the person performing such

Definition.

service, or any other person, shall be construed as practicing the occupation of barber within the meaning of this act.

Acting with-
out certificate.

SEC. 15. Any person practicing the occupation of barber without having obtained a certificate of registration, as provided by this act, or any person knowingly employing a barber who has not such a certificate, or any person falsely pretending to be qualified to practice such occupation under this act, or any person failing properly to sterilize each and all of his or her tools and have all linen properly laundered prior to use upon each and every person, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10) or more than one hundred dollars (\$100) and by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days.

Jurisdiction. SEC. 16. Justices of the peace shall have jurisdiction of all actions brought for a violation of any of the provisions of this act, subject to the right of appeal as provided for in cases of assault and battery.

Rules.

SEC. 17. The board of examiners shall provide rules and regulations for the proper sanitary conditions in the conduct and management of barber shops in this State.

Approved May 5th 1909.

CHAPTER 140.—*Bureau of labor statistics.*

Sections 1, 3, 6 and 9 of house bill 25 of the Session Laws of Colorado, 1887, are hereby amended to read as follows:

Bureau estab-
lished.

Section 1. There is hereby established a separate and distinct bureau to be known as the bureau of labor statistics of the State of Colorado, which bureau shall be charged with the collection of statistics pertaining to the internal resources of the State, labor and agriculture. The secretary of state shall be designated the ex officio commissioner of said bureau. He shall appoint a deputy within ten days after the approval of this act, who shall hold his office for the term of two years. He shall be an elector of this State, well versed in the collection of statistics and matters relating thereto. The deputy labor commissioner shall, within twenty days after receiving his commission, and before entering upon the duties of his office, give bonds to the State of Colorado in the sum of five thousand (\$5,000) dollars to be approved by the attorney-general. Said deputy labor commissioner shall receive an annual salary of twenty-five hundred (\$2,500) dollars, payable as other state officers. The said deputy labor commissioner shall, upon entering upon his duties, recommend and the secretary of state appoint one statistician who shall hold his office for the term of two years and who shall be an elector of the State; he shall receive an annual salary of fifteen hundred (\$1,500) dollars, payable as other state officers. Said deputy labor commissioner shall, upon entering upon the duties of his office, recommend and the secretary of state appoint one stenographer who shall receive an annual salary of twelve hundred (\$1,200) dollars, payable as other state officers.

Duties of of-
ficers and em-
ployers.

Sec. 3. It shall be the duty of all state, county and precinct officers, every owner, operator, or manager of every factory, workshop, mill, mine or mercantile establishment doing business in the State of Colorado where labor is employed to make to the bureau upon blanks furnished by said bureau such reports and returns as the commissioner or his deputies may require for the purpose of compiling all statistics as are authorized by the law creating the department of the bureau of labor statistics, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the deputy commissioner of labor, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms or corporations supplying the information called

for by this section, such information being deemed confidential and not for the purpose of disclosing personal affairs. Any refusal or the part of any state, county, precinct, municipal officers, or the owners, operators or managers of any factory, workshop, mill, mine or mercantile establishment to make returns to the deputy commissioner of labor or his deputy shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or by imprisonment not less than ten days nor more than thirty days in the county jail, or by both such fine and imprisonment at the discretion of the court.

Sec. 6. The deputy commissioner shall have power to send for persons whenever in his opinion it is necessary and he may examine witnesses under oath, being hereby authorized to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of said deputy commissioner. Powers of deputy commissioner.

It shall also be the duty of the deputy labor commissioner to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of all operators in factories, mills, mines, workshops, offices, bakeries, laundries, stores, hotels, railroads, or any public or private works where labor is employed or machinery used; and all laws enacted for the protection of wage workers. Duty to enforce laws.

Sec. 9. It shall be the duty of the deputy state labor commissioner upon learning of any employer or employees having differences to visit the location of such differences and to make a careful inquiry into the causes thereof, and to advise the respective parties what, if anything, ought to be done or submitted to, by both, to adjust said disputes; and should said parties still fail to agree to a settlement through said deputy labor commissioner's efforts, then the said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from the citizens of the State as follows, to wit: Labor disputes.

Said employer shall appoint one, and said employees shall appoint one, and these two shall select a third. In the event of the failure of the two to select a third, the deputy labor commissioner shall select the said third member, the three so selected to constitute the board of arbitration, and the findings of said board of arbitration to be final. Board of arbitration.

The proceedings of said board of arbitration shall be held before the deputy commissioner of labor who shall act as moderator or chairman, without privilege of voting, and who shall keep a record of the proceedings, and have the authority to administer oaths, issue subpoenas for the attendance of any witnesses said board may deem necessary to summon.

Any notice or process issued by the board of arbitration herein created shall be served by the sheriff, coroner, constable, or special officer to whom the same may be directed or in whose hands the same may be placed for service, and the same fees shall be paid as for the service of like process in courts of record.

Upon the failure of the deputy labor commissioner in any case to secure a settlement of differences or the creation of a board of arbitration it shall be his duty to secure a sworn statement from each party to the dispute of the facts upon which their dispute and their reason for not submitting the same to arbitration are based. Any sworn statement made to the deputy labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire it. A failure on the part of either party to a dispute to furnish such sworn statement to the deputy labor commissioner or his deputy, or a failure of any person to obey a subpoena issued by said deputy labor commissioner shall be considered a misdemeanor and shall be punishable by fine of not less than fifty (\$50) dollars nor more than

one hundred (\$100) dollars, or imprisonment of not less than ninety (90) days, or both fine and imprisonment at the discretion of the court.

Approved April 19th, 1909.

CHAPTER 164.—*Employment offices.*

License re- SECTION 1. No person, firm or corporation in this State shall
quired. open, operate or maintain a private employment agency for hire, or where a fee is charged to either applicant for employment or for help without first obtaining a license for the same from the deputy commissioner of labor statistics. Such license fee in cities of twenty-five thousand (25,000) or more population shall be fifty dollars (\$50) per annum, in all cities and towns containing less than twenty-five thousand (25,000), and more than five thousand population, a fee of twenty-five (\$25) dollars per annum, and in all cities and towns under five thousand (5,000) population a fee of \$10 per annum will be required. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license together with a copy of this act, shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication, a name similar to that of the Colorado free employment office. The deputy commissioner of labor shall require with each application for a license, a bond in the penal sum of one thousand (\$1,000) dollars with two or more sureties, to be approved by the said deputy commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act.

Fees.

Bonds.

The said deputy commissioner is authorized to cause an action or actions to be brought on said bond in the name of the people of the State of Colorado, for any violation of any of its conditions, he may also revoke, upon a full hearing, any license whenever in his judgment the party licensed shall have violated any of the provisions of this act. It shall be the duty of every licensed agency to keep a register in which shall be entered the name and address of every applicant. Such licensed agency shall also enter upon a register, the name and address of every person who shall make application for help or servants and the name and nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours be open to the inspection and examination of the deputy commissioner of labor or his agents.

Registers.

Prohibited acts. SEC. 2. No agency shall send or cause to be sent any female help or servant to any place of bad repute, house of ill fame, or assignation house, any place of questionable character, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false or fraudulent notices or advertisements or give any false information, or make any false promises concerning or relating to work or employment to any one who shall register for employment, and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm or corporation shall conduct the business of any employment office in, or in connection with, any place where intoxicating liquors are sold, or gambling of any character is carried on or indulged in. Where a fee is charged for receiving or filing application for employment, or for help, said fee shall in no case exceed the sum of one dollar (\$1) for any person applying for work as a day laborer, mechanic, artisan or household or domestic servant. And in no case shall the fee charged exceed the sum of two (\$2) dollars for professional positions. In all cases a receipt shall be given in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation procured and the name of the party from whom the position is to be secured. In case the said applicant shall not obtain a situation or employment through such licensed agency within five (5) days

Fees to be charged.

after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency: *Provided*, Said fee is demanded within thirty (30) days after date of registration.

Return of fee.

SEC. 3. A private employment agency is defined to be any person, firm, copartnership or corporation furnishing employment or help, or giving information as to where employment or help may be secured, or who shall display any employment sign or bulletin, or through the medium of any card, circular, pamphlet or newspaper offer employment or help; and all such persons are subject to the provisions of this act, whether a fee or commission is charged or not: *Provided*, That charitable organizations are not included within the meaning of this act.

Definition.

SEC. 4. All money or moneys received from fees and fines shall be held by the said deputy commissioner of labor and shall constitute a fund for the purpose of enforcing the provisions of this act, and the deputy commissioner shall, at the end of each fiscal year, make a report of said fund and pay into the state treasury whatever balance shall remain after paying the necessary expenses for the purpose of enforcing the provisions of this act.

Fees, fines, etc.

SEC. 5. It shall be the duty of the deputy labor commissioner when informed of any violation of this act, to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any violation of the provisions of this act shall be a misdemeanor and shall be punished by a fine of not less than one hundred (\$100) dollars nor more than two hundred (\$200) dollars for each offense, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

Violations.

Approved April 19th, 1909.

CHAPTER 106.—*Inspection of factories and workshops.*

SECTION 1. There is hereby established a separate and distinct department to be known as the department of factory inspection of the State of Colorado which department shall be charged with the inspection of all factories, mills, workshops, bakeries, laundries, stores, hotels, boarding or bunk houses, or any kind of an establishment wherein laborers are employed or machinery used for the purpose of protecting said employees against damages arising from imperfect or dangerous machinery, or hazardous and unhealthy occupations and regulating sanitary conditions under which laborers are employed. The deputy labor commissioner of the State of Colorado shall be the chief 'factory inspector' under this act. The said chief factory inspector within thirty days after the passage of this act shall recommend and the secretary of state appoint three deputy factory inspectors, one of whom shall be a woman, and each of said deputy factory inspectors shall receive a salary of twelve hundred (\$1200) dollars per annum; with necessary traveling expenses, but said expenses shall in no case exceed the sum of six hundred (\$600) dollars per annum for each deputy inspector: *Provided further*, That the chief factory inspector may recommend and the secretary of state appoint special inspectors from time to time, should the necessity arise, not to exceed three in number, and while so employed shall receive the same salary and expenses as the regular deputy inspectors.

Department of factory inspection.

Chief inspector.

Deputies.

Special inspectors.

SEC. 2. Any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used shall provide and maintain in use belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-offs, gang edger and other saws, planers,

Safety-appliances.

cogs, gearing, belting, shafting, coupling, set screw, line rollers, conveyors, mangles [manglers] in laundries, and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machinery, or any part thereof, is in a defective condition, and its operation would be extra hazardous because of such defect, or if any machinery is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

Ventilation. SEC. 3. Any person, firm, corporation, or association operating a factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used and manual labor is exercised by the way of trade for the purposes of gain within an inclosed room (private houses in which the employees live excepted) shall be provided in each workroom thereof with good sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery used in any inclosed room thereof by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

Hoistways, etc., to be guarded. SEC. 4. The openings of all hoistways, hatchways, elevators and wellholes and stairways in factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed, or machinery used shall be protected by good and sufficient trapdoors, hatches, fences, gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same opened that the same may be used.

Inspections. SEC. 5. It shall be the duty of the chief factory inspector, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually, and from time to time, all factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used or appliances therein contained to which the provisions of this act are applicable, for the purpose of determining whether they do conform to such provisions, and to granting or refusing certificates of approval, as hereinafter provided.

Employees to report defects. SEC. 6. Any employee of any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery used shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works and plants, or which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defect then said employee may complain in writing to the chief factory inspector of any such alleged defect in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association and with or about which said employee is working and

upon receiving such complaint it shall be the duty of the chief factory inspector, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

SEC. 7. Whenever upon any examination or reexamination of any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said chief factory inspector to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of any such storehouse, factory, mill, workshop, bakery, laundry, hotel, or any kind of an establishment wherein laborers are employed or machinery used a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on the part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said chief factory inspector at any time upon written notice to the person, firm, corporation or association holding the same whenever in his opinion after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used to which the provisions of this act are applicable. If, in the judgment of said chief factory inspector, such factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery is used does not conform to the requirements of this act he shall forthwith personally or by mail serve on the person, firm, corporation or association operating or using such machinery or appliances or occupying such premises a written statement of the requirements of said chief factory inspector, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with within a period of thirty days after said written statement has been served as aforesaid, the said chief factory inspector shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said chief factory inspector unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said chief factory inspector have been served upon him, appeal therefrom or from any part thereof to three arbitrators to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the chief factory inspector. Such appeal shall be in writing, addressed to the chief factory inspector and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the chief factory inspector to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third within five days and within ten days thereafter, give a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote shall be reported to the chief factory inspector and to the applicant and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said chief factory inspector or any part thereof, said applicant shall within thirty days comply with the findings of said arbitrators, and thereupon said chief factory inspector shall issue his certificate as hereinbefore provided (in section five of

Certificates of inspection.

Defective conditions.

Appeals.

this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said chief factory inspector and any such person, firm, corporation or association shall within thirty days after the findings of the board of arbitrators, comply with the requirements of the chief factory inspector, as amended by said arbitrators, if so amended as herein provided for, and thereupon said chief factory inspector shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section five of this act: *Provided*, That in case such arbitrators shall decide against such chief factory inspector, the costs of such arbitration shall be paid out of the funds for inspection purposes. In case the chief factory inspector is sustained in part by the arbitrators, the cost of the arbitration shall be divided equitably, in proportion to that decision, the appellant paying such share as the arbitrators may deem fair, the rest to be paid out of said inspection fund: *Provided, however*, That before any certificate shall be issued by said chief factory inspector as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act shall pay to the chief factory inspector or his deputy, of the State of Colorado, an annual fee of ten dollars and take his receipt therefor. Upon presentation of said receipt to said chief factory inspector, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association paying the same to any and every inspection of any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery used, owned or operated by the party paying said fee that may be necessary, for a period of one year; and all moneys collected for licenses and fines under the provisions of this act shall be paid into the state treasury and be converted into a special factory inspection fund from which special funds shall be paid the salaries and expenses of the chief factory inspector and his deputies, upon the presentation of vouchers properly signed by the chief factory inspector, in the same manner in which employees of the State are paid.

Protection in
case of fire.

SEC. 8. In all factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or any other buildings in which people are employed at manual or other labor, proper and sufficient means of escape in case of fire shall be provided by more than one way of egress, and such means of escape shall at all times be kept free from any obstruction; in good repair and ready for use. All doors leading into or to such factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or other buildings in which people are employed at manual or other labor, shall be so constructed as to open outward when practicable, and shall not be locked, bolted or fastened during working hours [so] as to prevent free egress. Proper and substantial hand rails shall be provided on all stairways in factories, hotels, mills and workshops in which females are employed; the stairs regularly used by them shall be properly screened at the sides and bottom.

Fire escapes.

SEC. 9. If in any factory, mill, workshop, office, bakery, laundry, store, hotel, or other building of three or more stories in height, proper and sufficient means of escape in case of fire are not provided as required by preceding section of this act, the owner or occupant of said building upon notice by the chief factory inspector or any factory inspector employed in the bureau of labor statistics shall construct one or more fire escapes as the same may be found necessary and sufficient. Said fire escape or fire escapes, shall be provided on the outside of such factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or other buildings, connecting with each floor above the first; well fastened and secured and of sufficient strength. Each of such fire escapes shall have landings or balconies not less than six feet in length and three in width, guarded by iron railings not less than three feet in height and embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed

openings; and the balconies or landings shall be connected by iron stairs not less than 24 inches wide, and the steps to be not less than eight inches tread. Placed at not more than an angle of forty-five degrees slant, and protected by well-secured handrail on both sides, with a twelve-inch wide drop ladder from the lower platform reaching to the ground. Any fire escape so constructed shall be sufficient. Any other plan or style of fire escape shall be sufficient if approved by the chief factory inspector, but if not so approved the said chief factory inspector or one of the factory inspectors may notify the owner, proprietor or lessee of such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building in which factory or workshop is conducted, or the agent or superintendent, or either of them, in writing, that any such style of fire escape is not sufficient and he may issue an order in writing requiring one or more fire escapes as he shall deem necessary and sufficient to be provided for such factory, mill, workshop, office, bakery, laundry, store, hotel or other buildings in which people are employed at manual or other labor at such location and of such plan and style as shall be specified in such written order. Within thirty days after the service of such order the number of fire escapes required in such order for such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building, shall be provided therefor, each of which will be either of the plan and style and in accordance with the specifications in said order required or of the plan and style in this section above described and declared sufficient.

The windows or doors of each fire escape shall be located as far as possible consistent with accessibility from the stairways and elevators, hatchways or openings, and the ladder thereof shall extend to the roof.

Stationary stairs or ladders shall be provided on the inside of each such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building where people are employed at manual or other labor from the upper story to the roof as a means of escape in case of fire.

SEC. 10. Every factory, workshop, office, bakery, laundry, store, hotel, or other building in which four or more persons are employed shall be provided within reasonable access with a sufficient number of water-closets, earth closets or privies, for the reasonable use of the persons therein; and whenever male and female persons are employed as aforesaid together, water-closets, earth closets or privies separate and apart shall be provided for the use of each sex and plainly so designated, and no person shall be allowed to use such closets or privy assigned the other sex. Such closets shall be properly screened and ventilated and at all times kept in a clean and good sanitary condition. Water closets.

In factories, laundries, mills, and workshops and in all other places where the labor performed by the operator is of such character that it becomes desirable or necessary to change the clothing wholly or in part before leaving the building at the close of a day's toil, separate dressing rooms shall be provided for women and girls whenever so required by the factory inspector. Dressing rooms. It shall be the duty of every occupant, whether owner or lessee of any premises so used as to come within the provisions of this act to carry out the same and to make all the changes and additions necessary therefor. In case such changes are made upon the order of the chief factory inspector or of a factory inspector by the lessee of the premises he may at any time within thirty (30) days after the completion thereof bring an action before any justice of the peace, county or district court, having competent jurisdiction against any person having an interest in such premises and may recover such portion of the expense of making such changes and in addition as the court adjudges should justly and equitably be borne by such defendant. [sic.]

SEC. 11. In all actions brought to recover damages for personal injuries or death caused by reason of the violation of any of the provisions of this act, it shall be sufficient for the plaintiff to prove Actions for injuries.

in the first instance, in order to establish the liability of the defendant, that the death or injury complained of resulted in consequence of the failure of the person owning or operating the manufacturing establishment where such death, or injury occurred to provide said establishment with safeguards as required by this act, or that the failure to provide such safeguards directly contributed to such death or injury.

Definitions.

Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural product or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

Wherever the expression occurs in this act in substantially the following words: "Every person owning or operating any manufacturing establishment," or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called: *Provided*, Wherever the word store or stores appears in this act such word shall be construed as meaning and applying to stores employing six or more persons.

Inspectors
may enter fac-
tories, etc.

SEC. 12. The chief factory inspector or any employee of the department of factory inspection shall have power to enter any factory, mill, workshop, office, bakery, laundry, store, hotel, or any public or private works where labor is employed or machinery used, his agent or agents, who shall refuse to allow an inspector or employee of the said department to enter or who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars or be imprisoned in the county jail not to exceed ninety (90) days for each and every offense.

Approved April 5th, 1909.

CHAPTER 217.—Assignments of wages—Wage brokers.

License re-
quired.

SECTION 1. From and after the passage of this act no person, company, corporation, or association, shall establish or conduct the business of wage broker within the State of Colorado, unless such person, company, corporation or association shall have first procured a license from the proper authorities as hereinafter provided, and shall have executed a bond in such sum as said authorities may require for the faithful carrying out of the provisions of this act, and of the ordinances of any town or city in which such business may be carried on.

Bond.

Who may
license.

SEC. 2. The board of county commissioners of any county in this State, or, in case said business be carried on in any incorporated city or town, the city council or board of trustees of said city or town, may in their discretion from time to time grant licenses to any person [person] or persons, company, corporation, or association to conduct or carry on the business of wage broker upon payment of such sum therefor and upon such terms and conditions as the said board of county commissioners or city council, or board of trustees shall by resolution or ordinance require.

Who are
wage brokers.

SEC. 3. Any person, company, corporation or association loaning money directly or indirectly to any employee or wage-earner upon the security of, or in consideration of any assignment of the wages or salary of such employee or wage-earner, shall be defined and held to be a wage broker and subject to the provisions of this act.

Assignments
to be in writ-
ing.

SEC. 4. No assignment of his or her wages or salary by any employee or wage-earner to any wage broker or any other person for his benefit shall be valid or enforceable, nor shall any employer

or debtor recognize or honor such assignment for any purpose whatever, unless it be in writing, and for a fixed and definite part of the wages or salary earned or to be earned during a period not exceeding thirty days immediately following the date of the assignment. Any assignment which shall be postdated or dated on any other date than that of its actual execution shall be void and of no effect for any purpose whatever.

Sec. 5. No wage broker shall ask, demand or receive either as compensation or interest, or in any other manner directly or indirectly, any compensation or interest for the use of money advanced or loaned or the loan whereof is hereafter renewed or extended by him to any employee or wage-earner in excess of two per cent per month, and said compensation or rate of interest shall be computed upon the amount actually advanced to and received by the borrower and shall include all commissions or compensation whatsoever to the wage broker or any other person for making or procuring said loan. Rate of interest.

Sec. 6. No assignment of his wages or salary by a married man, who shall be the head of a family residing in this State, shall be valid or enforceable without the consent of his wife, evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgments of conveyances, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgment. Assignments by married men.

Sec. 7. No wage broker shall make any loan to any minor, nor shall any assignment of wages or salary by any minor be valid and enforceable. Loans to minors.

Sec. 8. Any assignment of wages or salary shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignment shall be given to the employer or debtor within ten days from the date of its execution. Employer to be notified.

Sec. 9. Every purchase by a wage broker of an assignment of the wages or salary of any employee or wage-earner shall be held and considered to be a loan, in the sum and of the amount, actually paid to and received by such employee or wage-earner, and shall be subject to all the provisions of this act. Status of purchased assignments.

Sec. 10. Any person, company, corporation or association, or the officers, members, agents or employees thereof, violating any or either of the provisions of this act shall be deemed guilty of a misdemeanor; and, upon conviction, shall be liable to a fine in the sum of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense, or to imprisonment in the county jail for a period not to exceed ninety days, or both. Violations.

Sec. 11. Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker or any other person in violation of any of the provisions of this act shall be null and void and of no effect; and, upon conviction, any and all moneys advanced or loaned by said wage broker in violation of any of the provisions of this act and all interest thereon shall be forfeited. What notes, etc., void.

Approved March 20th, 1909.

CONNECTICUT.

ACTS OF 1909.

CHAPTER 10.—*Fire escapes on factories and workshops.*

SECTION 1. The factory inspector shall have power to enforce the provisions of section 2629 of the General Statutes so far as concerns workshops and manufactories and may order fire escapes erected thereon whenever deemed by him to be necessary; and any owner, agent, or lessee neglecting or refusing to comply with such order shall be subject to the penalties prescribed in section 2633 of the General Statutes. Powers of inspector of factories.

Approved, April 12, 1909.

CHAPTER 92.—*Safety appliances on street railways—Air brakes.*

Air brakes may be ordered. SECTION 1. Whenever the railroad commissioners deem it necessary, in the interests of the public, that any or all of the cars operated by any street railway company upon any highway in this State shall be equipped with air brakes or other sufficient brakes, said railroad commissioners may order the company operating such cars to equip such cars with brakes, operated by air or otherwise, of such kind and in such manner as said railroad commissioners may deem necessary and proper, first giving such company reasonable notice to appear and be heard, and may, after similar notice, alter, modify, or revoke any such order.

Noncompliance. SEC. 2. Any company operating such car or cars which shall neglect or refuse to comply with any order relating to brakes made pursuant to the provisions of section one of this act shall forfeit to the State twenty-five dollars for each day of such neglect or refusal:

Approved, June 23, 1909.

CHAPTER 120.—*Inspection of bakeries, etc.—Tuberculous, etc., employees.*

Law extended. SECTION 14. The provisions of sections 2569, 2570, 2571, and 2572 of the General Statutes relating to bakeshops shall apply to all confectionery, candy, and ice cream factories, macaroni factories, and all other factories for the preparation of foodstuffs, tobacco, and cigars. In any factory of the above-named classes where the factory inspector shall have cause to suspect that an operative or employee has any disease enumerated in the statutes thereto pertaining, he shall have authority to cause an examination to be made of such suspected case by a physician.

Posters. SEC. 15. It shall be the duty of the factory inspector to cause to be posted, in prominent places in factories and shops, such posters as may be supplied to him for that purpose by the board of directors.

Approved, June 29, 1909.

CHAPTER 123.—*Employment of children—Illiteracy.*

Child to be able to read. SECTION 1. No certificate of age under the provisions of sections 4704, 4705, and 4706 of the General Statutes and of chapter 75 of the Public Acts of 1903 shall be given to any child under sixteen years of age unless such child shall be able to read with facility, to write legibly simple sentences in the English language, and to perform the operations of the fundamental rules of arithmetic up to and including fractions: *Provided, however,* That foreign-born children may be given such certificate if over fourteen years of age and if they have an equivalent education in their native language.

Approved, June 29, 1909.

CHAPTER 147.—*Inspection of bakeries.*

Construction and sanitation of rooms. SECTION 1. Section 2569 of the General Statutes as amended by section one of chapter 13 of the Public Acts of 1905 is hereby amended to read as follows: Every building or room occupied as a bakery shall be drained and plumbed in a manner conducive to its healthful and sanitary condition, and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation, as the factory inspector shall direct. Every bakery shall be provided with a wash room and water-closet apart from the bake room and rooms where the manufacturing of food products is conducted; no water-closet, earth closet, privy, or ash pit shall be within or communicate directly with a bakery. Rooms used for the manufacture of flour and meal food shall be at least eight feet in height; the side walls of such rooms shall be plastered

or wainscoted, the ceiling plastered or ceiled with lumber or metal, and, if required by the factory inspector, shall be white-washed at least once in three months; the furniture, utensils, and floor of such rooms shall be kept in healthful sanitary condition. The manufactured flour or meal food products shall be kept in dry, clean, and airy rooms. The sleeping rooms for persons employed in a bakery shall be separate from the rooms where food products are manufactured or stored. No person, firm, or corporation shall operate a bakery without having obtained from the factory inspector a certificate of inspection describing the building used as a bakery and stating that the same complies with the laws of this State relating to bakeries, which certificate shall be kept posted by the owner or operator of such bakery in a conspicuous place in the shop described in such certificate or in the sales room connected therewith. Such certificate may be revoked by said inspector, for cause, and when revoked said inspector shall cite the person operating such bakery, or, in the case of a corporation, the manager, to appear before him within ten days thereafter to show cause why such certificate should not remain revoked. No person, firm, or corporation shall open a new bakery without having given at least ten days' notice to the factory inspector of his intention to open such bakery, which notice shall contain a description of the building proposed to be used as such bakery and shall give its location. Upon receipt of such notice said inspector shall examine the premises, and if found to comply with the provisions of the statutes relating to bakeries he shall issue such certificate of inspection.

Sleeping
rooms.Certificates
of inspection.

New bakeries.

Approved, July 14, 1909.

CHAPTER 150.—*Accidents in factories and mercantile establishments.*

SECTION 1. It shall be the duty of the person in active charge of any manufacturing or mercantile establishment to forward by mail to the factory inspector at his office in Hartford, within fifteen days after each accident resulting in serious physical injury to an employee while at work in such establishment, a written notice of every such accident of which he shall have knowledge, which notice shall state the name of the injured employee, the time of the accident, and the nature of the injury, and shall also contain a general description of the location in the establishment and of the character of the machine, if any, upon which the employee was at work at the time.

Accidents to
be reported.

SEC. 2. The factory inspector shall forthwith transmit to the person in charge of such establishment a written acknowledgment of the receipt of such notice, and shall keep a record of such accidents thus reported to him. Such records, notices, and reports to the factory inspector, and any investigation made by him or his deputies or agents, shall be privileged and confidential and shall not be open for examination or inspection, and neither such factory inspector nor any of his deputies or agents shall be a competent witness as to the facts involved in such accident in any proceeding pending in any court, unless such factory inspector, deputy, or agent was present at the time of the occurrence of the accident.

Records.

SEC. 3. The term "accident resulting in serious physical injury," as used in this act, shall be construed to mean every accident which results in the death of the employee or causes his absence from work for at least one week thereafter.

Definition.

SEC. 4. Any person, after having received from the factory inspector forms for such notices, who shall fail to send notice of any accident as required by this act shall be fined not more than twenty dollars.

Failure to re-
port.

Approved, July 14, 1909.

CHAPTER 153.—*Blacklisting.*Penalty for
blacklisting.

SECTION 1. Any person, or any officer or agent of any corporation, company, or firm who shall blacklist any employee, mechanic, or laborer, or publish or cause to be published the name of any employee, mechanic, or laborer with the intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing employment from any other person, corporation, company, or firm, or shall in any manner conspire or contrive, by correspondence or otherwise, to prevent such employee, mechanic, or laborer from procuring employment, shall be punished by a fine of not less than fifty and not more than two hundred dollars: *Provided, however,* That the provisions of this act shall not be construed so as to prohibit any person, or any officer or agent of any corporation, company, or firm from giving a truthful statement of any facts concerning a present or former employee of such person, corporation, company, or firm, on the application of such employee or of any person, or any officer or agent of any corporation, company, or firm who may be considering the employment of such employee.

Repeal.

SEC. 2. Section 1298 of the General Statutes is hereby repealed.

Approved, July 14, 1909.

CHAPTER 181.—*Exemption of wages from attachment.*What wages
exempt.

SECTION 1. So much of any debt which has accrued by reason of the personal services of the defendant as shall not exceed twenty-five dollars, including wages due for the personal services of any minor child, shall be exempted and not liable to be taken by foreign attachment or execution; but there shall be no exemption of any debt accrued by reason of the personal services of the defendant against a claim for the defendant's personal board, or for the rental of any house or tenement occupied by the defendant as a place of residence when such rental shall not exceed the sum of twenty-five dollars: *Provided,* That in any action founded upon such claim, in which such debt is sought to be attached by foreign attachment, the complaint shall set forth only the true cause of action, and the amount due thereunder, so that the garnishee may be informed, from the allegations of the complaint, of the real nature and amount of the demand. All benefits allowed by any association of persons in this State towards the support of any of its members incapacitated by sickness or infirmity from attending to his usual business shall also be exempted and not liable to be taken by foreign attachment or execution; and all moneys due the debtor from any insurance company upon policies issued for insurance upon property, either real or personal, which is exempt from attachment and execution shall in like manner be exempted to the same extent as the property so insured.

Repeal.

SEC. 2. Section one of chapter 95 of the Public Acts of 1903 * * * is hereby repealed.

Approved, August 2, 1909.

CHAPTER 202.—*Intimidation of employees.*Penalty for
intimidation.

SECTION 1. Section 1296 of the General Statutes is hereby amended to read as follows: Every person who shall threaten, or use any means calculated or intended to intimidate any person to compel such person, against his will, to do or abstain from doing any act which such person has a legal right to do, or shall persistently follow such person in a disorderly manner, or injure or threaten to injure his property, with intent to intimidate him, shall be fined not more than one hundred dollars, or imprisoned not more than six months.

Approved, August 2, 1909.

CHAPTER 219.—*Railroad trains—Crews.*

SECTION 1. The railroad commissioners shall have power to order, after a public hearing, such changes in the number of employees upon freight or passenger trains as in their opinion will conserve the public safety or the safety of such employees. Power of railroad commissioners.

SEC. 2. If any company shall fail to place upon any of its trains the number of brakemen required by the provisions of the General Statutes or in pursuance of the foregoing provisions of this act, it shall forfeit twenty-five dollars to the State for each day of such neglect, to be recovered by the state's attorney in the county where such offense is committed. Failure to obey orders.

Approved, August 11, 1909.

CHAPTER 220.—*Employment of women and children—Hours of labor.*

SECTION 1. No minor under sixteen years of age, and no woman, shall be employed in laboring in any manufacturing or mechanical establishment more than ten hours in any day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or where a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week. Every employer in such establishment shall post in a conspicuous place in every room where such persons are employed, a notice, the form of which shall be furnished by the factory inspector, specifically stating the hours of work required of them on each day of the week, and the employment of any such person for a longer time in any day than so stated shall be a violation of this section, unless it appears that such employment is to make up for time lost on some previous day of the same calendar week in consequence of the stopping of machinery upon which such person was employed or dependent for employment; but in no case shall the hours of labor exceed fifty-eight in a calendar week: *Provided*, That in case any employer in such establishment shall, on or before the first day of January of any year, give notice to his employees, by notices posted as hereinbefore provided, that the hours of labor of minors under sixteen years of age and of women employed by him, as aforesaid, shall not exceed fifty-five in any week during the months of June, July, and August of the ensuing calendar year, then said employer may employ such minors and women not to exceed sixty hours in any week during said year, except during said months of June, July, and August. Hours of labor per day.
Schedule to be posted.

SEC. 2. No minor under sixteen years of age, and no woman, shall be employed in laboring in any mercantile establishment, other than manufacturing or mechanical, more than fifty-eight hours in any calendar week: *Provided*, That in case any employer in such establishment shall, on or before the first day of January of any year, give notice to his employees, by notices posted as provided in section one hereof, that the hours of labor of minors under sixteen years of age and of women employed by him, as aforesaid, shall not exceed fifty-five in any calendar week during the months of June, July, and August of the ensuing year, then said employer may employ such minors and women not to exceed sixty hours in any calendar week during said year, except during said months of June, July, and August: *And provided further*, That any employer in such establishment who shall, during each year, give not less than seven holidays with pay, shall be exempt from the provisions of this section during the period from the seventeenth to the twenty-fifth day of December of each year. Hours of labor per week.

SEC. 3. No such minor and no woman shall in any event be employed in laboring in any such establishment as is described in section two hereof after ten o'clock in the evening of any day, unless the employer in such establishment shall, on such day, employ two or more shifts or sets of such employees, in which event no one such shift or set of employees shall be employed during more than ten hours of such day. Night work.

Enforcement. SEC. 4. It shall be the duty of the factory inspector to examine and inquire into the employment of minors and women in the establishments described in this act, and to investigate all complaints of violations hereof, and to report all cases of such violation to the prosecuting officer having jurisdiction thereof. The factory inspector shall, on or before the first day of December in each year, make a report to the governor of the number of such violations so reported by him, and of the prosecutions instituted thereon.

Violations. SEC. 5. Every person who willfully employs, or has in his employment or under his charge, any person in violation of section one, two, or three of this act, and every parent or guardian who permits any such minor to be so employed, shall be fined not more than twenty dollars for each offense. A certificate of the age of a minor, made as provided in section 4705 of the General Statutes and amendments thereof, shall be conclusive evidence of his age upon the trial of any person other than the parent or guardian for violation of any provision of this act.

Repeal. SEC. 6. Sections one and two of chapter 251 of the Public Acts of 1907 are hereby repealed. Nothing in this act shall be construed as repealing any provision of section 2116 of the General Statutes or any amendments thereto.

Approved, August 12, 1909.

CHAPTER 237.—*Street railways—Seats for motormen.*

Seats to be provided, when. SECTION 1. Every company owning or operating a street railway in this State shall cause each of its cars having an air brake, and when running outside the territorial limits of any city or borough, to be provided with a seat or stool for the use of the motorman operating such car or the person having the motive power of the same under control: *Provided*, That the railroad commissioners may exempt from the provisions of this act any line or parts of a line, or any cars of such a company if, after public hearing, they shall find that the presence of such seats upon such line, parts of line, or cars would endanger or inconvenience any person or persons traveling or being legally upon such lines or cars.

Violations. SEC. 2. Any company owning or operating any such car which shall neglect or refuse to cause the same to be provided with a seat or stool for the use of the motorman operating the same or the person having the motive power of such car under control, shall forfeit to the State twenty-five dollars for each day of such neglect or refusal.

Approved, August 19, 1909.

DELAWARE.

ACTS OF 1909.

CHAPTER 121.—*Employment of children—General provisions.*

SECTION 1. Chapter 123, volume 23, of the Laws of Delaware * * * is hereby amended as follows:

By striking out section 1 of said act and inserting in lieu thereof the following:

Age limit. Section 1. No child under the age of fourteen years shall be employed or suffered to work at any gainful occupation.

By striking out section 2 and inserting in lieu thereof the following:

School attendance required. Section 2. No child between the ages of fourteen and sixteen years shall be employed in any factory, workshop or establishment where the manufacture of any kinds of goods whatever is carried on unless such child shall have attended a public school or a school equivalent thereto or a parochial school for not less than one hundred and forty days during the school year previous to his arriving at the age of fourteen years, or within the school

year immediately preceding such employment, and unless such child shall be able to read and write simple sentences in the English language, and be familiar with the fundamental operations of arithmetic up to fractions.

By striking out in section 3 of said act the words "in any factory, workshop or establishment where the manufacture of any kind of goods is carried on" and inserting in lieu thereof the words "in any gainful occupation." Application of law.

By adding to section 3 of said act after the words "fifty-four hours a week" the following: "or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening." Also by adding to section 3 of said act at the end thereof the following: Night work.

The said factory and workshop inspector is hereby further directed and empowered to inquire into and investigate whether the employers within this act observe its provisions and to examine the sworn statements of the parents or guardians and the certificates of teachers, as required by section 4 of this act, and to thoroughly investigate the truth of the facts therein recited, and after such inquiry, examination and investigation if it appears to the satisfaction of the said factory and workshop inspector that said employers have not observed the provisions of this act or that the said certificates or statements are untrue in whole or in part, he is hereby empowered to deliver to said employer a written notice in the following form, viz: Enforcement.

To _____

You are hereby notified and directed to discharge from your employ _____ within _____ days from the receipt of this notice.

Factory and Workshop Inspector.

It shall be unlawful for the employer of any child within the provisions of this act to fail to comply with the terms of said notice.

By striking out section 4 of said act and inserting in lieu thereof the following:

Section 4. It shall be the duty of every person or corporation employing a child or children within the provisions of this act to keep a register, in which shall be recorded the name, age, day of birth and place of residence of every child under the age of sixteen years so employed by such person or corporation; and such register shall be produced on demand and shown to the factory and workshop inspector. It shall be unlawful for any person or corporation to employ any minor under the age of sixteen years unless there is furnished to said person or corporation a sworn statement made by the parent or guardian of such minor, stating the name, date and place of birth of such minor, and also unless there is furnished to said person or corporation a certificate of the teacher or teachers of said minor child showing that it has attended school, has received the instruction and is qualified as prescribed by section 2 of this act. Registers.

It shall be the duty of said person or corporation employing such child to keep on file said affidavit and certificate during such employment, and upon the termination thereof to deliver up said affidavit and certificate to said child upon its request therefor. The sworn statement of the parent or guardian shall be filled out and made in the following form: Proof of age.

State of Delaware,
(_____ County. ss.

Form of certificate.

Before me _____, a Notary Public for the State of Delaware, personally appears (parent or guardian of child), who being sworn in due form of law, doth depose and say that (he or she) is the (parent or guardian) of (name of minor), who is _____ years of age. Schooling certificate.

That said (minor) was born on the — day of — A. D. — at — and that the present residence of the said (minor's name) is —.

Sworn and subscribed before me the — day of —, A. D. —.

Notary Public for the State of Delaware.

The certificate of the teacher or teachers shall be made out in the following form:

____ 19____.
This is to certify that (minor's name) has attended school in _____ Hundred and _____ County from _____ to _____ during the school years of _____.

Total number of days _____.

Total number of nights _____.

and of my personal knowledge (minor's name) is able to read and write simple sentences in the English language, and is familiar with the fundamental operation of arithmetic up to fractions.

Teacher.

It shall be unlawful for any person or corporation to employ a child within the provisions of this act without first receiving and filing said sworn statement of the parent or guardian of such child and said teacher's certificate as hereinabove provided.

By adding to section 7 of said act at the end thereof the following:

Exemption. "Or to any person or corporation employing a child or children in domestic service."

By striking out section 8 of said act.

Approved April 19, A. D. 1909.

CHAPTER 233.—Assignment and garnishment of wages—Usurious loans.

Employers
not to make
payments on
usurious debts.

SECTION 1. From and after the approval of this act, it shall be unlawful for any employer in this State to knowingly pay any warrant or order issued by any employee against his or her salary and intended to be in payment or part payment of any indebtedness due any person, firm or corporation for borrowed money in cases where a greater rate of interest than six per cent per annum has been received or charged for such borrowed money.

Usurious
rates may be
pleaded.

SEC. 2. Whenever any employer, whether individual, firm, or corporation, shall be summoned as garnishee of any employee at the suit of any person, firm or corporation in an action to recover from such employee borrowed money or interest thereon, and the employee claims that a greater rate of interest than six per centum per annum has been charged the employee shall plead such fact in lieu of an answer by the garnishee, whereupon a trial shall be had to determine whether or not such excessive rate of interest had been charged and if upon such trial it shall be determined that a greater rate of interest than six per cent per annum had been charged upon such borrowed money, the garnishee shall be discharged.

Violations.

SEC. 3. Any employer whether an individual, member of a firm, agent or agents, officer or officers of a corporation, who shall knowingly do contrary to the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and in the default of payment of such fine, together with the costs, may be imprisoned for a term not exceeding six months at the discretion of the court.

Approved April 15, A. D. 1909.

CHAPTER 250.—*Assignments of wages—Loan offices.*

SECTION 1. It shall be unlawful for any person or corporation not having a known place of business within the State, to take or accept as security for money loaned, orders or warrants of employees upon their employers for salary due or to become due. Any person or the agent of any corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine, together with the costs, shall be imprisoned for a term not exceeding six months at the discretion of the court.

Approved April 5, A. D. 1909.

DISTRICT OF COLUMBIA.

ACTS OF 1908-9.

CHAPTER 166.—*Private employment offices.*

SECTION 1. (Section eight of) * * * entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June nineteenth, nineteen hundred and six, [chapter 3438, acts of 1905-6, shall] be amended to read as follows:

SEC. 8. The fees charged for the employment of agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrub women, nurses (except professional nurses), chambermaids, maids of all work, domestics, servants, or other laborers (except seamen), or for the purpose of procuring or giving information concerning such person for or to employers, shall be as follows: Fees to be charged.

Employment agents or agencies shall be entitled to receive in advance from an employer, for male or female employees, two dollars each: *Provided*, That such fee shall entitle said employer to at least thirty days' service from said male or female employee, or from other employees at the same rate of wages to be furnished by said employment agent or agencies.

Employment agents or agencies shall be entitled to receive in advance from the applicant for work or employment, either male or female, one dollar each, one-half of which is to be returned on demand if such applicant is not secured a fair opportunity of employment within fifteen days after the receipt of said original fee of one dollar: *Provided*, That where the male or female employee receives employment at a rate of wage of twenty-five dollars per month or more, said employment agent or agency shall, on obtaining employment for such employee, receive an additional one dollar from said employee: *Provided*, That the whole fee and any sums paid by the applicant for transportation in going to and returning from such employer shall be refunded within four days of demand, if no employment of the kind applied for was vacant at the place to which the applicant was directed: *And provided further*, That it shall be unlawful for any employment agent or agency to receive more than the fees set forth in this act in the business aforesaid.

It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting only those given by theatrical and teachers' agencies and those procuring technical, clerical, sales, and executive positions for men only, shall have printed on the back thereof a copy of this section in the English language. No such licensed person shall

Receipts.

divide fees with contractors or their agents or other employers or anyone in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant for employment, name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this act, which shall be printed in large type.

Approved, February 20, 1909.

GEORGIA.

ACTS OF 1908.

ACT No. 321.—*Railroads—Employment of locomotive engineers.*

(Page 49.)

Experience required. SECTION 1. No railway company operating trains in this State shall have employed or allow in charge of one of its locomotives in this State, as a locomotive engineer, (except such engines used in yard service) any person who shall not have had as much as three years actual bona fide experience as a fireman or engineer on a railway locomotive, or who shall not have served an apprenticeship of four years in a regular railroad machine shop, and have had in addition thereto one year bona fide experience as a locomotive fireman.

Violations. SEC. 2. Any railway company violating this act shall be guilty of a misdemeanor and liable to indictment and punishment in any county in this State in which such inexperienced person shall be allowed to work upon such locomotive.

Approved July 23, 1908.

ACT No. 537.—*Railroads—Headlights on locomotives.*

(Page 50.)

Headlights required. SECTION 1. All railroad companies are hereby required to equip and maintain each and every locomotive used by such company to run on its main line after dark with a good and sufficient headlight which shall consume not less than three hundred watts at the arc, and with a reflector not less than twenty-three inches in diameter, and to keep the same in good condition. The word main line as used herein means all portions of the railway line not used solely as yards, spurs and side tracks.

Violations. SEC. 2. Any railroad company violating this act in any respect shall be liable to indictment as for a misdemeanor in any county in which the locomotive not so equipped and maintained may run, and on conviction shall be punished by fine as prescribed in section 1039, of the Code of 1895.

Exemption. SEC. 4. *Provided*, This act shall not apply to tramroads, mill roads and roads engaged principally in lumber or logging transportation in connection with mills.

Approved August 17, 1908.

ACTS OF 1909.

Liability of railroad companies for injuries to employees.

(Page 160.)

Liability of employer for— SECTION 1. Every common carrier by railroad shall be liable in damages to any person suffering injury while he is employed by such carrier, or in case of death of such employee, to his or her

personal representative, for the benefit of the surviving widow or husband, or child or children of such employee, and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves or other equipment: *Provided, nevertheless*, No recovery shall be had hereunder if the person killed or injured brought about his death or injury by his own carelessness, amounting to a failure to exercise ordinary care; or if he, by the exercise of ordinary care, could have avoided the consequences of the defendant's negligence. The measure of damage in case the injury results in death of the employee shall be that prescribed in sections 3828 and 3829 of the Civil Code of 1895: *Provided*, That the party or parties for whose benefit recovery may be had under this act, may sue and recover in their own name or names in the manner prescribed by section 3828 of the Civil Code, in case no administrator or executor has been appointed at the time suit is filed. In case death results from injury to the employee, the employer shall be liable unless it make it appear that it, its agents and employees have exercised all ordinary and reasonable care and diligence, the presumption being in all cases against the employer. If death don't result from the injury, the presumptions of negligence shall be and remain as now provided by law in case of injury received by an employee in the service of a railroad company.

Negligence of employees:

Defects in equipment, etc.

Proviso.

Burden of proof.

SEC. 2. In all actions hereafter brought against any such common carrier by railroad, under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in death, the fact that the employee may have been guilty of contributory negligence, not amounting to a failure to exercise ordinary care, shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed, shall be held to have been guilty of contributory negligence, in any case where the violation by such common carrier of any statute enacted for the safety of employees, contributed to the injury or death of such employee.

Contributory negligence not a bar, when.

SEC. 3. In any action brought against any common carrier under and by virtue of any of the provisions of this act to recover damages for injuries to, or the death of any of its employees, such employees shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of the employees contributed to the injury or death of such employee.

Assumption of risks.

SEC. 4. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall, to that extent, be void: *Provided*, That in any action brought against any such common carrier, under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief, benefit or indemnity that may have been paid to the injured employee, or, in the event of death, to the person or person entitled thereto on account of the injury or death for which said action is brought.

Contracts waiving rights.

SEC. 5. No action shall be maintained under this act unless commenced within two years from the day the cause of action occurred.

Limitation.

SEC. 6. The term "common carrier" as used in this act shall include the receiver or receivers or other person or corporation charged with the duty of the management and operation of the business of a common carrier.

Definition.

Approved August 16, 1909.

HAWAII.

ACTS OF 1909.

Act No. 32.—*Employment of aliens on public works.*

Employment
of aliens pro-
hibited.

SECTION 1. All officers, deputies, clerks, assistants, interpreters, police, laborers and other persons employed in the service of the government of the Territory of Hawaii, or in the service of any county or municipal subdivision of said Territory shall be citizens or eligible to become citizens of the United States of America; except that in cases where it is not reasonably practicable to obtain citizens competent for such service, persons other than citizens may be employed.

Violations.

SEC. 2. Any public official who shall violate any provisions of this act shall be liable upon conviction to a penalty of not less than ten dollars nor more than one hundred dollars, discretionary with the court.

Approved this 22nd day of March, A. D. 1909.

IDAHO.

ACTS OF 1909.

Hours of labor of employees in mines, smelters, etc.

(Page 4.)

SECTION 1. Section 1646 [1464] of the Revised Codes of the State of Idaho is hereby amended to read as follows:

Eight hours
a day's work.

Section 1464. The period of employment of workmen in smelters, ore reduction works, stamp mills, concentrators and other places where metalliferous ores are being treated, refined and reduced for the purpose of obtaining the metals thereof, shall be eight (8) hours per day except in cases of emergency where life or property is in imminent danger.

Approved on the 11th day of February, 1909.

Liability of employers for injuries to employees.

(Page 34.)

Application
of law.

SECTION 1. Every employer of labor in or about a railroad, street railway, factory, workshop, warehouse, mine, quarry, engineering work, and any building which is being constructed, repaired, altered, or improved, by the use and means of a scaffold, temporary staging, or ladders, or is being demolished, or on which machinery driven by steam, water or other mechanical power is being used for the purpose of construction, repair or demolition thereof, shall be liable to his employee or servant for a personal injury received by such servant or employee in the service or business of the master or employer within this State when such employee or servant was at the time of the injury in the exercise of due care and diligence in the following cases:

Injury
caused by—

Defects;

(1) When the injury was caused by reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works or machinery were in proper condition.

Negligence
of superintendent.

(2) When the injury was caused by reason of the negligence of any person in the service of the employer entrusted with and exercising superintendence whose sole or principal duty is that of superintendence, or in the absence of such superintendent, of any person acting as superintendent with the authority and consent of such employer.

(3) When such injury was caused by reason of the act or omission of any person in the service or employment of the master or employer, done or made in obedience to the rules and regulations or by-laws of the master or employer, or in obedience to particular instructions given by any person delegated with the authority of the master or employer so to instruct. Acts in obedience to rules, etc.

(4) When such injury was caused by the negligence of any person in the service or employment of the master or employer who has charge of any signal or telegraph office directing the movement of any locomotive engine, train or car upon a railroad, or any part thereof, at the time such person was injured. Negligence of persons in charge of signal or telegraph office.

(5) [In] any action brought against any employer or master under or by virtue of any of the provisions of this act to recover damages for injuries to or death of any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where a violation by such employer or master of any statute enacted for the safety of employees contributed to the injury or death of such employee. Assumption of risks.

(6) An employee, by entering upon or continuing in the service of the employer, shall be presumed to have assented to the necessary risks of the occupation or employment, and no others. The necessary risks of the occupation or employment shall, in all cases arising after this act takes effect, be considered as including those risks, and those only, inherent in the nature of the business, which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees: *Provided*, That the master or employer shall not be liable under any of the provisions of this section if the servant or employee knew of the defect or negligence causing the injury, or by the exercise of reasonable care could have known of the defect or negligence causing the injury and failed within a reasonable time to give notice thereof to the master or employer, or to some person superior to himself engaged in the service or employment of the master or employer who had entrusted to him some general superintendence, unless the master or such superior already knew of such defect or negligence: *Provided, also*, That the master or employer shall not be liable under any of the provisions of this section where the injury to the employee was caused by the incompetency of a coemployee, and such incompetency was known to the employee injured, and the employee injured failed within a reasonable time to give notice thereof to the master or employer, or to some person superior to himself engaged in the service or employment of the master or employer who had entrusted to him some general superintendence, unless the master or employer or such superior already knew of such incompetency of such coemployee, and such master or employer failed or refused to discharge such incompetent employee or failed or refused to investigate the alleged incompetency of the coemployee and discharge him if found incompetent. What risks assumed.
Knowledge of defects.
Negligence of fellow-servant.

SEC. 2. In the case of injury to an employee who is a minor, then the father, or in case of his death or the desertion of his family, the mother may maintain an action for injuries received for which the master is liable under the provisions of this act, unless the said minor be married, in which case the said minor may maintain an action in his own name for the said injuries, and a guardian may under like circumstances maintain an action for the injury of his ward, and in the event the said minor be not married and have no father or mother dependent upon him, the said action may be maintained by a guardian to be appointed by the court for the benefit of the said minor. In case the said injuries result in the death of the said minor and the said minor be married, then the action may be maintained by the widow and guardian of the said minor's children, if any there be, and if the said minor be unmarried, then the father or in case of his death or desertion of his family, the mother may maintain an action for the death of said minor child resulting under such Injuries to minors.

circumstances; and if neither father nor mother survive the said minor, the action may be brought by the next of kin who at the time of his death were dependent upon his wages for support, or by the personal representatives of the minor for the benefit of such next of kin who at the time of the death of the said minor were dependent upon his wages for support.

Injuries causing death. SEC. 3. In case the employee be not a minor and the injuries result in his death, then an action may be maintained by the widow of the deceased, or if he leaves no widow, his next of kin who at the time of his death were dependent upon his wages for support, or by his personal representatives for the benefit of his heirs or next of kin for damages against the employer under the circumstances mentioned in this act.

Damages. SEC. 4. The amount of damages to be recovered in case of death shall not exceed the sum of five thousand dollars (\$5,000).

The damages recovered on account of death shall not be subject to the debts of the deceased.

Notice. SEC. 5. No action for the recovery of compensation for injuries or death under this act shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and fifty (150) days, and the action is commenced within one (1) year after the occurrence of the accident causing the injury or death.

Limitation. The notice required by this section shall be in writing, and shall be signed by the person injured or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in this section, he may give the same within ten (10) days after such incapacity is removed. In case of his death without having given such notice, his executor or administrator or widow or next of kin may give such notice within sixty (60) days after such death, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury, if it be shown that there was no intention to mislead and the party entitled to notice was not in fact misled thereby. The notice required by this section shall be served in the same manner as required of the service of summons in civil actions.

Approved March 6th, 1900.

Mine regulations.

(Page 286.)

Application of law. SECTION 1. The rules, regulations and methods prescribed in sections 2-29 of this act, which [sic] shall be observed and followed by each and every person, employee, firm or corporation operating mines within the State of Idaho.

Protection against fire. SEC. 2. Shafts or tunnels, which at the present time, are covered with frame buildings, such as shaft houses, blacksmith shops, machine shops or engine rooms, shall be provided with fire protection. In all cases, dry hand-grenade fire extinguishers shall be available at convenient points around the buildings, and water protection under sufficient natural pressure, with at least one hydrant, with hose and nozzle [nozzle] attachment, located outside of the building, shall be provided wherever water is available.

Fire doors. SEC. 3. Every working adit or crosscut tunnel entrance, where wooden buildings exist, at or near the portal of same, shall be provided with a fire door not less than fifty (50) feet in from the earth portal of the tunnel. This door shall be hung and so adjusted that, upon being released, it will close of its own accord, either by its own weight, when hung from the top of the tunnel, or by means of suspended weights, when hung from the side. The door shall be held open by a rope passing over a pulley, terminating outside of any of the buildings at the mouth of the tunnel, and shall be so fitted that, when closed, it will cut off the circula-

tion of air as completely as possible. Where electric haulage is used in said adit or crosscut tunnel, a door consisting of two doors hung from the sides and closing tightly can be used.

If there be no other exit, which can be reached from the underground workings connected with such entrance tunnel, then such entrance tunnel shall further be provided with a short raise and ladder way to the surface immediately inside of the fire door.

SEC. 4. All mines employing, underground, more than fifteen men, and where the vein has been driven on and stoping commenced, shall be provided with more than one exit, and where there is no such escapement raise or exit, work on such an outlet shall be commenced immediately, and be diligently carried on until completed.

Exits.

SEC. 5. Shafts sunk to a greater depth than one hundred feet must have two or more compartments, one compartment to be used for a manway, and to be fitted with a good, substantial ladder way, provided with platforms or crosspieces at intervals of not to exceed twenty feet, and where practicable, the ladders should be in lengths of not to exceed twenty feet, and inclined at a convenient angle.

Shafts.

SEC. 6. Where wooden buildings exist, at or near the collar of a shaft, and when there is no other exit which may be reached from this shaft, through underground workings, then the mainway compartment of the shaft must be partitioned off from the other compartments, and provided with a trapdoor, over the manway compartment, at the surface, which must be kept closed or so arranged that it can be closed from a point outside of the building by the releasing of a rope, and said manway compartment shall in addition be connected with the surface by a short drift or raise starting at a point not less than twenty-five feet below the collar of the shaft and terminating outside of the building.

Doors to manways.

SEC. 7. The construction of new buildings, for mechanical plant, timber sheds, blacksmith shop or for any other purpose, over or at the entrance to a mine, shall be prohibited, excepting in high, snowy countries where a shed may be permitted between the buildings and the entrance to the mine, which can be rapidly destroyed in case of fire, but all frame buildings shall be placed at a distance of not less than twenty-five feet [feet] from the entrance.

Buildings at entrances.

SEC. 8. The collar of all shafts shall be fixed and protected, so that persons and foreign objects can not fall into the shafts, and all openings in mines such as chutes, winzes, timber slides and mill holes, when not in use for any considerable length of time, shall be protected by a plank or guard rail, and all abandoned or unused surface shafts or raises to the surface shall be securely fenced off or covered.

Openings to be guarded.

SEC. 9. It shall be unlawful for any person to sink or operate a vertical or steeply inclined shaft to a greater depth than 250 feet without having the same equipped with a mine cage, skip or bucket fitted with safety clutches.

Mine cages, etc.

Where a bucket is used, the same must be attached to a fixed safety crosshead by two chains or cables. Loose-heads for shaft buckets are strictly prohibited.

Where a cage or skip is used, it must be provided with a bonnet in addition to safety clutches. The bonnet must be made of boiler sheet iron of at least $\frac{1}{8}$ inch thickness, and must cover the top of the cage in such manner as to afford the greatest protection to life and limb from any falling objects.

Where a cage and skip are used together, in the same compartment of the shaft, the bonnet may be dispensed with, if the skip is placed above the cage: *Provided*, This act does not apply to skips, cages or buckets used solely to hoist or lower materials.

SEC. 10. All gallows frames shall be equipped with automatic chairs placed in such a position as to catch the cage or skip, and prevent its falling, in case of overwinding and consequent breaking of the cable.

Safety appliances.

- Height of gallows frame.** Sec. 11. After a shaft has reached two hundred feet in depth and stoping commenced, the gallows frame shall not be less than forty feet in height between the collar of the shaft and sheave wheel.
- Indicators.** Sec. 12. Wherever a steam, electric, gas, air or water driven hoist is used, in the handling of men, in mines, it shall be equipped with an indicator, placed in clear view of the hoist engineer, and geared positively to the shaft or drum of the hoist, and so adjusted with dial or slide as to provide a target or indicator that will at all times show the exact location of the bucket, cage or skip.
- Electric cables.** Sec. 13. Electric power cables, where used underground, shall be thoroughly insulated; and, where electric haulage is used underground, the trolley wires must be protected by inverted U-shaped guards, placed along the trolley wires, opposite any hand-loading chutes.
- Signals.** Sec. 14. Every shaft, that is equipped with a bucket, cage or skip operated by a hoist, shall be supplied with a pull bell, and also with an electric bell and flash-light signal, where practicable.
- Laws to be posted.** Sec. 15. Every mining property using hoisting apparatus within the State of Idaho shall keep one copy of this entire code posted on the gallows frame, and a copy of the bell signals before the hoist engineer, and on each station.
- Cage men.** Sec. 16. All mines employing more than fifteen men equipped with cages or skips used for hoisting men and material from two or more levels, shall have a man known as a cager, whose duty shall be to load and unload the cage or skip, and to give signals to the hoisting engineer, etc.
- Hoisting men.** Sec. 17. It shall be unlawful for any cager or other person to ride upon a cage or skip except after having given a bell signal known by the engineer to be a signal for the handling of men. No private or short signals will be allowed when men are to be hoisted or lowered.
- Special signals.** Sec. 18. It shall be unlawful for any one, excepting the cager, to ring the hoist bells without first giving a special signal, notifying the hoist engineer that some one other than the cager is ringing the bell.
- Handling supplies.** Sec. 19. It shall be unlawful for men to travel on a cage or skip loaded with steel supplies or material, other than the cager or those who are assisting him in the loading and unloading of such material.
- Riding on ball or cable.** Sec. 20. It shall be unlawful for any person, whether working for himself or whether he be in the employ of any other person, company or corporation, to ride upon the ball or cable of a hoisting bucket, cage or skip.
- Signals required.** Sec. 21. It shall be unlawful for any hoist engineer to raise or lower a bucket, cage or skip, except upon bell signals.
- Unskilled engineers.** Sec. 22. When a man is being broken in as hoist engineer and when he is under the tutorage of a qualified hoist engineer, and a signal is given to hoist or lower men, the qualified hoist engineer there present must take charge of the hoist, the new man not being allowed to handle the hoist when men are on the cage or skip until he has qualified as a hoist engineer.
- Engineers not to engage in conversation.** Sec. 23. It shall be unlawful for any hoist engineer, while on duty, to answer questions or converse with any one in any manner whatever, excepting such persons as may be assisting him in the operation of the hoist, and then only when necessary. When approached by any one desiring to converse with him, he shall bring the hoist to rest and descend from the bridge before answering any such inquiry, or entering into conversation.
- Rate of hoisting.** Sec. 24. It is unlawful for any person, company or corporation to hoist or lower men at a greater speed than six hundred feet per minute; or to hoist or lower the men when going on or coming off of shift, after the cage has remained idle several hours, until one round trip has been made with the empty cage; and when a shaft is equipped with chairs at the several levels, the hoist engi-

neer must slow up when passing stations when men are on the cage or skip.

SEC. 25. No person addicted to the use of intoxicating liquors or under twenty-one years of age shall be employed as hoisting engineer, and no person under the influence of liquor shall be permitted underground, either in the capacity of employee or otherwise. Use of intoxicants.

SEC. 26. It shall be unlawful for any mining company or person to store more explosives in the underground workings of any mine where men are employed than is required for twenty-four hours' use, and it shall also be unlawful to store or thaw powder in any buildings used as a dwelling or in which men are employed in any capacity, excepting in the storing, thawing or removing of the same, and storage places for powder shall be situated not less than two hundred (200) feet distant from any dwelling or working place for men, unless some impregnable natural object intervenes, and then only in a properly designated building or an underground excavation to be used exclusively for that purpose, and conspicuously marked as such. Storing explosives.

Powder thawers using fire, candles, lanterns or lights of any kind are hereby prohibited in mines employing more than fifteen (15) men.

SEC. 27. No person, whether working for himself or in the employ of another person, company or corporation, while loading or charging a hole with nitroglycerine powder or other explosive, or in removing powder from same, shall use or employ any steel or iron bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of steel, iron or other metal tamping bar by employees under his management or direction. Use of steel tamping bars.

SEC. 28. Oils and other inflammable materials shall be stored or kept at a safe distance from the mine buildings, and at a safe distance from the powder magazine, and their removal from said building for use shall be in such quantities as are necessary to meet the requirements of one day only. Storing oils, etc.

SEC. 29. Any person, firm or corporation operating mines within the State of Idaho who shall fail, neglect or refuse to comply with any provisions of this act, relating to the duties of employees, shall be guilty of a misdemeanor, and upon conviction shall be fined the sum of not more than three hundred (\$300) dollars or imprisonment for not more than six months, or by both such fine and imprisonment; and any employee in any mine who shall fail, neglect or refuse to comply with any of the requirements of this act, relating to the duties of employees, shall be guilty of a misdemeanor, and upon conviction shall be fined the sum of not more than three hundred (\$300) dollars, or imprisonment for not more than six months, or both such fine and imprisonment. Violations.

SEC. 30. It shall be the duty of the prosecuting attorney of the proper county to prosecute the violation of the provisions of this act, upon the furnishing of the necessary information by or at the direction of the inspector of mines. Enforcement.

Approved March 15, 1909.

ILLINOIS.

ACTS OF ADJOURNED SESSION, 1907-8.

JOINT RESOLUTION.—*Employment commission.*

(Page 104.)

The governor is hereby authorized and requested to appoint a commission consisting of three representative men who are either manufacturers or employers of labor, three representative men who are employees, one representative man learned in the law, Appointment of commission.

one representative man who is a physician or one who is familiar with the standard of sanitation, and one representative citizen who is neither an employer of labor nor an employee, who shall serve without remuneration, and whose duties shall be to thoroughly investigate and report to the governor, by bill or bills, or otherwise, the most advisable method, or methods, for providing for the health, safety and comfort of the employees of factories, mercantile establishments, mills and workshops in this State, for consideration and action by members of the 46th general assembly.

The secretary of the bureau of labor statistics shall be secretary of said commission and keep a record of its proceedings and furnish all necessary information to the same.

Adopted by the senate, May 11, 1907.

Concurred in by the house, November 27, 1907.

ACTS OF 1909.

Commission to investigate conditions of mining—Revision of laws.

(Page 55.)

Appointment of commission.

SECTION 1. A commission [shall] be established to be known as the mining investigation commission of the State of Illinois, consisting of three coal mine owners and three coal miners appointed by the governor, together with three qualified men, no one of whom shall be identified or affiliated with the interests of either the mine owners or coal miners or dependent upon the patronage or good will of either, nor in political life, who shall be appointed by the governor.

Each member of the said commission shall have equal authority, power and voting strength in considering and acting upon any matters which may be brought to the attention of the commission and on which the commission may act and the said commission shall have power and authority to investigate the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits.

Powers.

SEC. 2. In making any investigation as contemplated in this act, said commissioners shall have the power to issue subpoenas for the attendance of witnesses, which shall be under the seal of the commission and signed by the chairman or secretary of said commission.

In case any person shall willfully fail or refuse to obey such subpoena, it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners; and the said court shall have the power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

The fees of witnesses shall be the same as in courts of record and shall be paid out of the appropriation hereinafter made.

And upon order duly entered of record by the said commission any one or more members of the said commission shall be empowered to take testimony touching the matters within the jurisdiction of the said commission and report the same to the said commission.

Said commission shall have power and are authorized to adopt a seal and to make such rules not inconsistent with or contrary to law for the government of proceedings before it, as it may deem proper and shall have the same power to enforce such rules and to preserve order and decorum in its presence as is vested by the common law or statute of this State in any court of general jurisdiction.

Meetings.

SEC. 3. Said commission shall meet at the state capitol building in Springfield, on the second Tuesday after notice of their ap-

pointment and shall immediately elect a chairman and secretary from among their number, one of whom shall be a coal mine owner and the other a coal miner. Said commission shall cause a record to be kept of all its proceedings.

Five members of the said commission shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn the meetings of the commission from time to time.

Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois, as may be fixed by the said commission.

A meeting of the said commission shall be held upon the written request of any three members of the said commission signed by them and delivered to the secretary, who shall, upon request [receipt] of such request, notify each member of said commission by mail of such meeting so to be held, and the time and place thereof. And no such meeting shall be held less than five days after the mailing of notice of the said meeting to the members of said commission by the secretary.

Such called meeting shall be held either in Springfield or Chicago.

SEC. 4. Said commission shall report to the governor and to the general assembly at its next regular session, submitting so far as they have unanimously agreed, a proposed revision of coal mining laws of the State, together with such other recommendations as to the commission shall seem fit and proper, relating to coal mining in the State of Illinois.

Report.

And where there is not unanimous agreement upon any recommendation there shall be submitted in like manner separate reports embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report and shall embody his or their respective reasons for such recommendation and his or their objections to the reports of other members of the commission. Upon the filing of the above-mentioned reports, recommendations and objections the duties and functions of said commission shall cease.

SEC. 5. The members of said commission who are coal mine owners and coal miners as aforesaid, shall receive no compensation for their services. The remaining three members of the commission shall receive as compensation for their services the sum of \$10 per day for each day actually employed by them as such commissioners. All members of the said commission shall be reimbursed for their actual expenses incurred in and about the actual work of such commission.

Compensation.

Said commission may appoint a stenographer or clerk and such other employees as are necessary and shall fix their compensation and may incur such other expenses as are properly incidental to the work of the commission.

Approved June 10, 1909.

Examination and licensing of barbers.

(Page 98.)

SECTION 1. It shall be unlawful for any person to follow the occupation of barber in this State, unless he shall first have obtained a certificate of registration as provided in this act: *Provided, however,* That nothing contained in this act shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided. Certificate required.

SEC. 2. A board of examiners, to consist of three (3) persons, is hereby created to carry out and enforce the provisions of this act. Said board shall be appointed by the governor and shall consist of practical barbers who have been for at least five (5) years prior to their appointment, engaged in occupation of barber in Board of examiners.

this State. Each member of said board shall serve a term of two (2) years and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1), two (2) [and] three (3) years respectively, and shall take the oath provided for public officers. Vacancies shall be filled by the governor for the unexpired portion of the term.

Powers, etc.

SEC. 3. Said board shall elect a president, secretary and treasurer, shall have a common seal, and shall have the power to administer oath. The office of secretary and treasurer may be filled by the same person, as said board may determine. The secretary and treasurer shall give a bond in the sum of one thousand dollars (\$1,000), with sureties approved by the secretary of state, conditioned for the faithful performance of the duties of the office.

Compensation.

SEC. 4. Each member of said board shall receive a compensation of four (4) dollars per day and actual expenses for actual service, and two (2) cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board: *Provided*, That said compensation and mileage shall in no event be paid out of the state treasury.

Examinations.

SEC. 5. Said board shall hold practical examinations at least four times each year, said examinations to be held in cities in different parts of the State, distributed as evenly as possible for the convenience of the applicants, and such other examinations at such times and places as they may, from time to time determine. Whenever complaint is made that any barber shop is kept in an unsanitary condition, or that contagious diseases have been imparted, a member of the board shall visit and inspect such shops and enforce the provisions of this act. The board shall keep a record of all its proceedings, shall also show if such applicant was registered or rejected by examination, or otherwise, such book shall be prima facie evidence of all matters required to be kept therein.

Report.

SEC. 6. Said board shall file with the governor on the 1st day of July of each year, an itemized statement of all the receipts and expenses of the board for the year.

Barbers at time of act.

SEC. 6a. All those now actually engaged in the occupation as barber, in this State, shall within ninety days after the approval of this act, file with said board an affidavit setting forth his name, residence and length of time, and the place where he has practiced the trade, and shall pay to the secretary of said board the fee of \$1 and a certificate of registration shall be granted to him authorizing him to practice as barber in this State.

Applications for examination.

SEC. 7. Any person desiring to obtain a certificate of registration under this act shall make application to such board therefor; pay to the treasurer of said board an examination fee of three (3) dollars, present himself at the next regular meeting of the board for the examination of applicants, and if he shows that he has studied and practiced the trade for three (3) years as an apprentice under one or more practicing barbers, or for at least three (3) years in a properly appointed and conducted barber school under the instructions of a competent barber, or practiced the trade for at least three (3) years in this State or other states, and that he is possessed of the requisite skill in such trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, his name shall be entered by the board in the register hereafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said trade in this State. All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of barbering until the next meeting of the board, and the board shall issue a permit author-

izing him to practice said trade until the next meeting of the board.

SEC. 8. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act, or from serving as a student in any barber school for the training of students in such trade under the training of a qualified barber: *Provided*, That such apprentice or student shall apply to said board to have his name registered with said board in a book which shall be kept by the board for the registering of apprentices and students and secure a permit to practice as an apprentice or student under the instructions of a qualified barber. After having practiced the trade for three (3) years under a qualified barber such apprentice or student shall be eligible to become a registered barber and present himself at the next meeting of the board held nearest to him for the examination of applicants, and pay the fee of three (3) dollars for examination, as provided in section 7. Apprentices and students.

SEC. 9. Said board shall furnish to each person to whom a certificate of registration is issued, a card or an insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one (1) dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration may be revoked by said board, subject to the provisions of section 11 of this act. Cards.

SEC. 10. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection. Register.

SEC. 11. Said board shall be authorized to adopt reasonable rules providing for the sanitary regulation of barber shops, subject to the approval of the state board of health, and shall have the power to enter any barber shop during business hours for the purpose of inspection of such shops. If any shop be found in an unsanitary condition, or if any barber working therein has been charged with imparting any contagious or infectious disease, the board shall immediately notify the health officer thereof, and such shop shall be quarantined and the barber so charged shall not practice his occupation until such quarantine shall be removed by the health officers. Said board shall have the power to revoke any certificate of registration granted by it under this act, for conviction of crime, habitual drunkenness, for six months immediately before a charge duly made, gross incompetency, failure to comply with the sanitary rules approved by the state board of health or for having imparted any contagious or infectious disease: *Provided*, That before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice at least five (5) days after the service notice thereof, be given a public hearing and be given an opportunity to present testimony in his behalf, and to confront the witnesses against him. Any person whose certificate has been revoked, may after the expiration of ninety (90) days apply to have his certificate regranted, and the same shall be regranted to him upon his giving satisfactory proof that his disqualification has ceased to exist. Rules for sanitation.

SEC. 12. To shave or trim the beard or cut the hair of any person for hire by the person performing such service or any other person, shall be construed as practicing the occupation of barber within the meaning of this act. Definition.

Violations.

SEC. 13. Any person practicing the occupation of barber in this State without having obtained a certificate of registration, as provided by this act, or willfully employing a barber who has not such a certificate or falsely pretending to be qualified to practice such occupation under this act, or violating any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than one hundred dollars (\$100) or by imprisonment in the county jail not less than ten (10) days nor more than ninety (90) days.

Approved June 10, 1909.

Examination and licensing of plumbers.

(Page 132.)

SECTION 1. Section four of Article XII of chapter twenty-four (24) of an act entitled, "An act to provide for the licensing of plumbers and to supervise and inspect plumbing," approved June 10, 1897, in force July 1, 1897, [chap. 24, sec. 501, Rev. St. of 1905] is hereby amended so as to read as follows:

Duties of
board of exam-
iners.

Section 4. Said board of examiners shall, as soon as may be, after the appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing, within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants shall thereupon issue a certificate to such applicant authorizing him to engage in or work at the business of plumbing whether as master plumber or employing plumber or as a journeyman plumber.

Fees.

The fee for a certificate for a master plumber or employing plumber shall be \$50; for journeyman plumber it shall be \$1. Said certificate shall be valid and have force throughout the State for a period of one year from date of issuance and may be renewed upon its expiration by payment in advance of an annual renewal fee of \$10 for the certificate of a master plumber or employing plumber and the payment in advance of an annual renewal fee of \$1 or [for] the certificate of a journeyman plumber. All fees received for said certificate shall be paid into the treasury of the city, town, or village where said certificates are issued.

Approved June 14, 1909.

Bureau of labor.

(Page 190.)

Board of
commissioners.

SECTION 1. It shall be the duty of the governor, with the advice of the senate, to appoint a board of commissioners of labor, to consist of five members, who shall hold office for two years, three of whom shall be manual laborers, the remaining members of the commission shall be manufacturers or employers of labor in some productive industry, and they shall meet annually on the first Monday in September, at the state capitol, when they shall organize by electing a president from themselves and appointing a secretary, who shall hold office for a term of two years or until his successor is appointed; the said secretary to have no voice in the deliberations of said board nor to be selected from said commissioners.

Duties.

SEC. 2. The duties of such board shall be to collect, assort, systematize and present in biennial report to the general assembly statistical details relating to all departments of labor in the State, especially in its relation to the commercial, industrial, social, educational and sanitary conditions of the laboring classes and to the permanent prosperity of the mechanical, manufacturing

and productive industries of the State; and also statistical details of the manufacturing industries and commerce of the State, setting forth such details as the local character of the industry, capital, total output, number of people employed and such other details as will give a total presentation of the industrial and commercial condition and progress of the State: *Provided*, That in no case shall the statistics thus published be so arranged as to reveal the affairs of any single industrial or commercial concern.

It shall be the duty of every employer of labor in this State to afford to the state commissioners of labor, or their representatives, every facility for procuring statistics of the wages and conditions of their employees for the purpose of compiling and publishing statistics of labor and of social and industrial conditions and statistical details of manufacturing industries and commerce within the State as required by law. Any person who shall hinder or obstruct the investigations of the agents of the commissioners or shall neglect or refuse, for a period of ten days, to furnish the information called for by the schedules of the commissioners as provided above, shall be adjudged guilty of a misdemeanor and be subjected to a fine of one hundred dollars (\$100).

SEC. 3. The compensation of said commissioners shall be five dollars per day for thirty (30) days of each annual session, and the compensation of said secretary shall be twenty-five hundred dollars (\$2,500) per annum. * * * The auditor is further directed and authorized to draw his warrant for the actual traveling, incidental and office expenses of said commissioners and their secretary, on their vouchers sworn to by them and approved by the president of the board and the governor.

Approved June 10, 1909.

Free public employment offices.

(Page 201.)

SECTION 1. Section 12 of "An act relating to employment offices and agencies," approved and in force May 11, 1903 [chapter 48, sec. 64, Rev. St. of 1905] is hereby amended so as to read as follows:

Section 12. All money or moneys received from fees and fines shall be held by the said commissioners of labor, and shall constitute a fund for the purpose of enforcing the provisions of this act; the secretary of the commissioners of labor shall act as custodian of the fee and fine fund and shall execute a bond to the people of the State of Illinois with good and sufficient securities, in a sum to be fixed by the commissioners of labor conditioned upon the faithful performance of his duties. The bond shall be approved by the governor and then filed with the secretary of state. All expenditures from the fee fund or any other fund under the control of the commissioners of labor shall be paid on itemized vouchers certified to by the president of the commissioners of labor and approved by the governor of the State of Illinois, and the said commissioners shall, at the end of each fiscal year, make an account of said fund and pay into the state treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

Approved June 5, 1909.

Inspection of factories and workshops.

(Page 202.)

SECTION 1. All power driven machinery, including all saws, planers, wood shapers, jointers, sandpaper machines, iron mangles, emery wheels, ovens, furnaces, forges and rollers of metal; all projecting set screws on moving parts; all drums, cogs, gearing, belting, shafting, tables, fly wheels, flying shuttles and hydro-extractors; all laundry machinery, mill gearing and machinery of

Employers
to furnish
data.

Compensa-
tion.

Enforcement
fund.

Guards for
dangerous ma-
chinery.

every description; all systems of electrical wiring or transmission; all dynamos and other electrical apparatus and appliances; all vats or pans, and all receptacles containing molten metal or hot or corrosive fluids in any factory, mercantile establishment, mill or workshop, shall be so located wherever possible, as not to be dangerous to employees or shall be properly enclosed, fenced or otherwise protected. All dangerous places in or about mercantile establishments, factories, mills or workshops, near to which any employee is obliged to pass, or to be employed shall, where practicable, be properly enclosed, fenced or otherwise guarded. No machine in any factory, mercantile establishment, mill or workshop, shall be used when the same is known to be dangerously defective, and no repairs shall be made to the active mechanism or operative part of any machine when the machine is in motion.

Removing
guards.

SEC. 2. No person shall remove or make ineffective any safeguard required by this act, during the active use or operation of the guarded machine or device, except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced.

Cut-offs.

SEC. 3. In every factory, mercantile establishment, mill or workshop, effective means shall be provided for immediately disconnecting the power, so that in case of need or accident, any particular machine, group of machines, room or department, can be promptly and effectively shut down.

Pulleys.

a. Where machines require to be started and stopped frequently, they shall, whenever practicable, be provided with tight and loose pulleys, clutch or other effective disengaging device. When provided with tight and loose pulleys, the shifting of the belt shall be accomplished by the use of a belt shifter, placed within easy reach of the operator. When a clutch, or other disengaging device is used, an effective means for throwing such device into or out of engagement shall be provided, and shall be placed within easy reach of the operator.

Switches.

b. Where machines are direct connected with the prime mover, (electric motor, steam, gas or gasoline engine, or other source of power), a switch, throttle, or other power controlling device shall be furnished and shall be placed within easy reach of the operator, or his coworker.

Same.

c. Where machines are arranged in groups, rooms or departments, and power is supplied by a prime mover, located within the confines of such group, room or department, a switch, throttle, or other power controlling device shall be furnished, and shall be placed within easy reach of the operators affected, so that all shafting, transmitting machinery and machines of such group, room or department, can be simultaneously shut down.

Friction
clutches.

d. Where machines are arranged in groups, rooms or departments, and are supplied by power through the use of main or line shafts, receiving power from some prime mover, located without the group, room or department, the power receiving wheel of such main or line shaft, shall, wherever possible, be provided with a friction clutch, or other effective power disengaging device, with suitable means for operating the clutch, or power disengaging device, and these means shall be placed within the confines of such group, room or department, and within easy reach of the employees or operatives affected, so that all machines, shafting and other transmission machinery within such group, room or department, can be simultaneously shut down. In addition to such safeguard, communication, consisting of speaking tubes, electric bells, electric colored lights, or other approved and effective means, shall be provided in all cases covered by this paragraph between each such group, room or department, and the room in which the engineer, or prime mover, is located, so that in case of need or accident, the motive power of such group, room or department can be promptly stopped or controlled.

Hoistways,
etc., to be
guarded.

SEC. 4. All hoistways, hatchways, elevator wells and wheel holes in factories, mercantile establishments, mills or workshops, shall be securely fenced, inclosed or otherwise safely protected,

and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open, in order that the said hatchways, elevators or hoisting apparatus may be used. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some device, whereby the car or cab may be held in the event of accident to the shipper rope or hoisting machinery or controlling apparatus.

SEC. 5. If any elevator, machine, electrical apparatus or system of wiring, or any part or parts thereof, in any factory, mercantile establishment, mill or workshop, are in an unsafe condition, or are not properly guarded, where reasonable to guard the same, the owner or lessee, or his agent, superintendent or other person in charge thereof, shall, upon notice from the chief state factory inspector, or the assistant chief state factory inspector, remedy such unsafe condition within a reasonable time after receiving such notice. Defects to be remedied.

SEC. 6. No employee of any factory, mercantile establishment, mill or workshop, shall operate or tamper with any machine or appliance with which such employee is not familiar and which is in no way connected with the regular and reasonable necessary duties of his employment, unless it be by and with the direct or reasonably implied command, request, or direction of the master or representative or agent. Unskilled employees.

SEC. 7. The traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen (18) inches from any fixed structure, not being part of the machine, if the space over which it runs out is a space through which any employee is liable to pass, whether in the course of his employment or otherwise. Traversing machinery.

SEC. 8. No employee shall take or be allowed to take food into any room or apartment in any factory, mercantile establishment, mill or workshop, where white lead, arsenic or other poisonous substances or injurious or noxious fumes, dusts or gases under harmful conditions are present, as the result of the business conducted by such factories, mercantile establishments, mills or workshops, and notice to this effect shall be posted in each room or apartment. Employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer, when practicable, for enabling the employees to take their meals elsewhere in such establishments: *Provided, however,* That this section shall not apply to such employees whose presence during meal hours may be necessary for the proper conduct of such business. Food not to be taken into certain factories.

SEC. 9. Every person, firm or corporation employing females in any factory, mercantile establishment, mill or workshop in this State, shall provide a reasonable number of suitable seats for the use of such female employee[s], and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employees, and where practicable, such seats shall be made a permanent fixture and may be so constructed or adjusted that when said seats are not in use, they will not obstruct such female employee, when engaged in the performance of her duties. Seats for females.

SEC. 10. In every factory, mercantile establishment, mill or workshop, where one or more persons are employed, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, equable temperature, consistent with the reasonable requirements of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted. Temperature, etc., of work-rooms.

SEC. 11. In every room or apartment of any factory, mercantile establishment, mill or workshop, where one or more persons are employed, at least 500 cubic feet of air space shall be provided for each and every person employed therein, and fresh air, to the Air space and ventilation.

amount specified in this act, shall be supplied in such a manner as not to create injurious drafts, nor cause the temperature of any such room or apartment to fall materially below the average temperature maintained: *Provided*, Where lights are used which do not consume oxygen, 250 cubic feet of air space shall be deemed sufficient. All rooms or apartments of any factory, mercantile establishment, mill or workshop, having at least 2,000 cubic feet of air space for each and every person employed in each room or apartment, and having outside windows and doors whose area is at least one-eighth of the total floor area, shall not be required to have artificial means of ventilation; but all such rooms or apartments shall be properly aired before beginning work for the day and during the meal hours. All such rooms, or apartments, having less than 2,000 cubic feet of air space, but more than 500 cubic feet of air space, for each and every person employed therein, and which have outside windows, and doors whose area is at least one-eighth of the floor area, shall be provided with artificial means of ventilation, which shall be in operation when the outside temperature requires the windows to be kept closed, and which shall supply during each working hour at least 1,500 cubic feet of fresh air for each and every person employed therein. All such rooms or apartments, having less than 500 cubic feet of air space for each and every person employed therein, all rooms or apartments having no outside windows or doors, and all rooms or apartments having less than 2,000 cubic feet of air space for each and every person employed therein, and in which the outside window and door area is less than one-eighth of the floor area, shall be provided with artificial means of ventilation, which will supply during each working hour throughout the year, at least 1,500 cubic feet of fresh air for each and every person employed therein: *Provided*, That the provisions of the preceding portions of this section shall not apply to storage rooms or vaults: *And provided further*, That the preceding portions of this section shall not apply to those rooms or apartments in which manufacturing processes are carried on which from their peculiar nature would be materially interfered with by the provisions of this section. No part of the fresh air supply required by this section shall be taken from any cellar or basement.

The following terms of this section shall be interpreted to mean: The air space available for each person is the total interior volume of a room, expressed in cubic feet, without any deductions for machinery contained therein, divided by the average number of persons employed therein.

Outside windows and doors are those connecting directly with the outside air; the window and door area is the total area of the windows and doors of all outside openings; and the floor area is the total floor area of each room.

Ventilation.

SEC. 12. All factories, mercantile establishments, mills or workshops shall be kept free from gas or effluvia arising from any sewer, drain, privy or other nuisance on the premises. All poisonous or noxious fumes or gases arising from any process, and all dust of a character injurious to the health of the persons employed, which is created in the course of a manufacturing process, within such factory, mill or workshop, shall be removed, as far as practicable, by either ventilating or exhaust devices.

Rooms to be cleaned daily.

SEC. 13. All decomposed, fetid or putrescent matter, and all refuse, waste and sweepings of any factory, mercantile establishment, mill or workshop, shall be removed and disposed of, at least once each day, and in such a manner as not to cause a nuisance; and all cleaning shall be done, as far as possible, outside of working hours; but if done during working hours, shall be done in such a manner as to avoid the unnecessary raising of dust or noxious odors. In every factory, mill or workshop, in which any process is carried on which makes the floors wet, the floor shall be constructed and maintained with due regard to the health of employees, and gratings or dry standing rooms shall be provided if practicable, at points where employees are regularly

stationed, and adequate means shall be provided for drainage, and for preventing seepage or leakage to the floors below.

SEC. 14. In all factories, mercantile establishments, mills or workshops, sufficient and reasonable means of escape in case of fire shall be provided, by more than one means of egress, and such means of escape shall at all times be kept free from any obstruction and shall be kept in good repair and ready for use, and shall be plainly marked as such.

Fire escapes.

SEC. 15. All doors used by employees as entrances to or exits from any factory, mercantile establishment, mill or workshop, of a height of two stories or over, shall open outward, slide or roll, and shall be so constructed as to be easily and immediately opened from within in case of fire or other emergency.

Doors.

SEC. 16. Proper and substantial hand rails shall be provided on all stairways in factories, mercantile establishments, mills or workshops, and the treads on all stairways shall be so constructed as to furnish a firm and safe foothold.

Stairways.

SEC. 17. In all factories, mercantile establishments, mills or workshops, a proper light shall be kept burning by the owner or lessee in all main passageways, main hallways, at all main stairs, main stair landings and shafts, and in front of all passenger or freight elevators, upon the entrance floors and upon the other floors, on every work day of the year, from the time that the building is opened for use until the time when the influx of natural light shall make artificial light unnecessary: *Provided*, That when two or more tenants occupy different floors in one building, such elevator shafts need be lighted only on the floors occupied and used by employees.

Lights in hallways, etc.

SEC. 18. No floor space or any work room in any factory, mercantile establishment, mill or workshop, shall be so overloaded with machinery or other material as thereby to cause serious risk to or endanger the life or limb of any employee, nor shall there be permitted in any such establishment a load in excess of the safe sustaining power of the floors and walls thereof.

Overloading floors.

SEC. 19. In all factories, mercantile establishments, mills or workshops, machines must not be placed so closely together as to be a serious menace to those that have to pass between them. Passageways must be of ample width [width] and head room and must be kept well-lighted and free from obstructions.

Passageways between machinery.

SEC. 20. Every factory, mercantile establishment, mill or workshop shall be provided with a sufficient number of water-closets, earth closets or privies, within reasonable access of the persons employed therein, and such water-closets, earth closets or privies shall be supplied in the proportion of at least one (1) to every thirty (30) male persons and one (1) to every twenty-five (25) female persons; and whenever both male and female persons are employed, said water-closets and privies shall be provided separate and apart for the use of each sex, and plainly marked by which sex they are to be used; and no person or persons shall be allowed to use the closets or privies assigned to the opposite sex; and such water-closets or privies shall be constructed in an approved manner and properly enclosed, and at all times kept in a clean and sanitary condition. The closets or privies, where practicable, shall be located so that they shall have direct ventilation with the outside air; where it is impracticable to locate the closet[s] or privies so as to have direct ventilation with the outside air, they shall be placed in an enclosure, and every such closet or privy, shall be properly and effectively disinfected and separately ventilated, and shall be properly lighted by artificial light, except when the influx of natural light makes artificial light unnecessary: *Provided*, That nothing in this section shall be construed to prevent any city, town or village, by appropriate ordinance or regulation, from prohibiting the construction, use or maintenance in such city, town or village, of any kind of earth closets, or privies, which may be considered a nuisance or detrimental to the public health.

Water-closets.

Wash rooms. SEC. 21. In all factories, mercantile establishments, mills or workshops, adequate washing facilities shall be provided for the employees, where necessary, and in such case in all factories, mills and workshops not less than one spigot, basin or receptacle shall be provided for each thirty (30) employees, and in mercantile establishments, not less than one spigot, basin or receptacle shall be provided for each fifty (50) employees. Where the labor performed by the employee is of such a character as to make customary or necessary a change of clothing by the employees, there shall be provided sanitary and suitable dressing room or rooms, and both such dressing rooms and washing facilities shall be separately maintained for each sex: *Provided*, That nothing in this act shall be construed as abrogating or repealing any provision of section 5 of an act entitled "An act to provide for the licensing of plumbers, and to supervise and inspect plumbing," approved June 10, 1897, and in force July 1, 1897, or the provisions of any local ordinance or regulation of any city, town or village, requiring approved and sufficient methods of sanitation, light, heat, drainage or ventilation of an equal or superior standard to that required in this act.

Duty of employers, etc. SEC. 22. It shall be the duty of every person, firm or corporation to which the provisions of this act may apply, to carry out the same, and make all the changes and additions necessary therefor, and in every way to comply with all the provisions of this act, and it shall be the duty of the owner of the building in which is located any such factory, mercantile establishment, mill or workshop, to permit any alterations or additions to such building as may be necessary to comply with the provisions of this act.

Changes to be made. SEC. 23. Whenever, by the provisions of this act, it is made the duty of any person, firm or corporation within this State, to make or install any alterations, additions or changes, the same shall be made and installed in conformity with the provisions of this act, and completed within a reasonable time after notification by the chief state factory inspector or his deputy.

Reports of accidents. SEC. 24. It shall be the duty of the owner or lessee, or superintendent or person in charge of any factory, mercantile establishment, mill or workshop in this State, to send to the chief state factory inspector, in writing, an immediate report of all accidents or injuries resulting in death. It shall also be the duty of the person in charge of such factory, mercantile establishment, mill or workshop, to report between the 15th and 25th of each month, all accidents or injuries occurring during the previous calendar month, which entailed a loss to the person injured of fifteen (15) consecutive days' time or more. All reports shall state the cause and character of the injury, character of employment and the age and sex of the person injured. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported: *Provided*, That any such employer who shall make the reports of accidents, required by this act, shall not be required to make such reports to any other state officer, board or commission.

Enforcement. SEC. 25. It shall be the duty of the chief state factory inspector, and of the assistant chief state factory inspector, and deputy factory inspectors, under the direction and supervision of the chief state factory inspector, to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose they and each of them are hereby empowered to visit and inspect, at all reasonable times, all such factories, mercantile establishments, mills and workshops in this State: *Provided*, That whenever any secret process is used in any factory, mercantile establishment, mill or workshop, the owner shall, whenever asked by the chief state factory inspector or the assistant chief state factory inspector, file with him an affidavit that the owner has in all respects complied with the provisions of this act, and such

affidavit shall be accepted in lieu of inspection of any room or apartment in which such secret process is carried on.

In enforcement of the provisions of this act, the chief state factory inspector, and the assistant chief state factory inspector, and the deputy factory inspectors, under the direction and supervision of the chief state factory inspector, shall give proper notice in regard to any violation of this act to the persons owning, operating or managing any such factory, mercantile establishment, mill or workshop. Such notice shall be written or printed and signed officially by the chief state factory inspector, or the assistant chief state factory inspector, and said notice may be served by delivering the same to the person upon whom service is to be had, or by leaving at his usual place of abode, or business, an exact copy thereof, or by sending a copy thereof to such person by mail.

Notices.

When general changes relative to the location and spacing of machinery or to ventilation have been made and such changes comply with the provisions of this act, such arrangements, conditions remaining the same, shall not be disturbed by any requirement of the chief state factory inspector or his deputies within the period of twelve (12) months.

SEC. 26. Any person, firm or corporation who shall, or any agent, manager or superintendent of any person, firm or corporation, who, for himself or for such person, firm or corporation, shall violate any of the provisions of this act, or who omits or fails to comply with any of the foregoing requirements of this act, or who disregards any notice of the chief state factory inspector, or of the assistant chief state factory inspector, when said notice is given in accordance with the provisions of this act; or who obstructs or interferes with any examination or investigation being made by a state factory inspector, under this act, or any employee in any such factory, mercantile establishment, mill or workshop who shall remove or interfere with any guard or protective or sanitary device, required by the provisions of this act, except as hereinbefore provided, or who shall violate any of the other provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished for the first offense by a fine of not less than ten dollars (\$10) nor more than fifty [dollars] (\$50); and upon conviction of the second or subsequent offense, shall be fined not less than twenty-five [dollars] (\$25) nor more than two hundred dollars (\$200); and in each case shall stand committed until such fine and costs are paid unless otherwise discharged by due process of law.

Violations.

SEC. 27. Whenever any inspection of machinery, ways, means, instruments or appliances in, on, about or connected with any factory, mill, mercantile establishment or workshop is required to be made by the ordinances of any city, town or village of a standard equal to that of this act and the inspection required by such ordinances has been made, then and in every such case such inspection shall be accepted by the chief state factory inspector, the assistant chief state factory inspector and the deputy factory inspectors as a compliance in that respect with the provisions of this act; and it shall be the duty of the person for whom such inspection has been made to furnish the chief state factory inspector, or his assistant or deputies, with a copy of the report of inspection made under such ordinances.

City ordinances.

SEC. 28. The provisions of this act relating to sanitation and ventilation shall not be held to apply to such rooms or apartments of any factory, mercantile establishment, mill or workshop, which are being operated under the supervision of the Federal Government, by virtue of an act of Congress entitled, "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven," approved June 30, 1906, or any amendment thereof; nor shall any other of the provisions of this act so apply respecting matters and conditions over which the Federal Government now exercises or shall hereafter exercise jurisdiction.

Establishments under federal supervision.

Definitions.

SEC. 29. The following terms used in this act shall have the following meaning: The term "factory" means any premises wherein electricity, steam, water or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or any process incident to the manufacturing of any article or part of any article; or the altering, repairing, ornamenting or the adapting for sale of any article. The term "mill or workshop" shall include any premises, room or apartment not being a factory as above defined, wherein any labor is exercised by way of trade or for the purpose of gain in or incidental to any process of making, altering, preparing, cleaning, repairing, ornamenting, finishing or adapting for sale any article or part of any article, and to which or over which building, premises, room or apartment, the employer of the person employed or working therein has the right of access or control: *Provided, however,* That a private house or private room in which manual or other labor is performed by a family dwelling therein, or by any of them for the exclusive use of the members of such family is not a factory, mill or workshop, within this definition. The term "mercantile establishment" shall include all concerns or places where goods, ware[s] or merchandise are purchased or sold, either at wholesale or retail.

Law to be printed.

SEC. 30. Copies of this act shall be printed in English and such other languages as may be necessary to disseminate a general knowledge of the provisions herein set forth and shall be supplied by the chief state factory inspector on application.

Notice to be posted.

SEC. 31. For the purpose of disseminating a general knowledge of the provisions of this act among employees, the chief state factory inspector shall have prepared a notice covering the salient features of this act, which may be in the following form:

NOTICE TO OWNERS AND EMPLOYEES OF MERCANTILE ESTABLISHMENTS, FACTORIES, MILLS AND WORKSHOPS.

This notice must be posted in a conspicuous place, in every office and workroom of this establishment. The object of this notice is to promote the health, comfort and safety of employees, and requires their attention and cooperation.

1. All machinery when in operation is dangerous, and should be considered so by the operator. It should be so protected as to offer the least possible chance for injury to those who operate it.

2. All machinery must be daily inspected by the operator, and upon discovery of any defects, notice of the same shall be given at once to anyone in authority, and the machine not used until repaired.

3. All set screws or other dangerous projections on revolving machinery shall be countersunk or otherwise guarded when possible.

4. Means shall be provided and placed within convenient reach for promptly stopping any machine, group of machines, shafting or other power transmitting machinery.

5. Machines must not be placed so closely together as to be a serious menace to those who have to pass between them. Passageways must be of ample width and head room, and must be kept well lighted and free from obstructions.

6. All hatchways, elevator wells or other openings in floors shall be properly enclosed or guarded.

7. The premises must be kept in a clean and sanitary condition.

8. Ample and separate toilet facilities for each sex shall be provided, and toilet rooms must be kept clean, well ventilated and well lighted.

9. Food must not be taken into any workroom where white lead, arsenic or other poisonous substances or gases are present under harmful conditions.

10. Proper and sufficient means of escape, in case of fire, shall be provided, and shall be kept free from obstructions.

11. Poisonous and noxious fumes or gases, and dust injurious to health, arising from any process, shall be removed, as far as practicable.

12. All employees are strictly prohibited from attempting to operate, experiment or tamper with machines or appliances with which they are not familiar and which are in no way connected with their regular duties. All employees are prohibited from jumping on or off moving cars, elevators, machines or appliances not under their immediate charge or control. All employees are prohibited from carrying to their place of work acids, chemicals or explosives of any kind which are liable to endanger life or property.

13. Reports must be sent to the office of the state factory inspector, as provided by law, and immediate notice of the death of any employee resulting from accident or injuries must be sent to the same office.

The notice shall be printed on cardboard of suitable character, and the type used shall be such as to make it easily legible. In addition to English, this notice shall be printed in such other languages as may be necessary to make it intelligible to employees. Copies shall be supplied by the chief state factory inspector on application, and must be posted in a conspicuous place in every office and workroom of every establishment covered by the provisions of this act.

SEC. 32. This act shall take effect and be in force on and after January 1, 1910.

Approved June 4, 1909.

Hours of labor of female employees.

(Page 212.)

SECTION 1. No female shall be employed in any mechanical establishment or factory or laundry in this State, more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any day. Ten hours a day's work.

SEC. 2. Any employer who shall require any female to work in any of the places mentioned in section 1 of this act, more than twenty-four hours, or who shall fail, neglect or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this act, during any one day, or who shall permit or suffer any overseer, superintendent or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined for each offense in a sum of not less than \$25 or more than \$100. Violation.

SEC. 3. The state department of factory inspection shall be charged with the duty of enforcing the provisions of this act and prosecuting all violations thereof. Enforcement.

Approved June 15, 1909.

Private employment offices.

(Page 213.)

SECTION 1. No person shall open, keep or carry on any employment agency in the State of Illinois unless every such person shall procure a license therefor from the state board of commissioners of labor. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars (\$50) and not exceeding two hundred and fifty dollars (\$250), or on failure to pay such fine, by imprisonment for a period not exceeding six months, or both, at the discretion of the License required.

Fee. court. Such license shall be granted upon the payment to said state board of commissioners of labor, annually, of a fee of fifty dollars (\$50) in cities of fifty thousand (50,000) population and over, and a fee of twenty-five dollars (\$25) annually, in all cities containing less than fifty thousand (50,000) population.

Place. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any place other than that designated in the license unless consent is first obtained from the state board of commissioners of labor, or the chief inspector of employment agencies and until the written consent of the surety or sureties on the bond required to be filed by section 2 of this act to such transfer, be filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold, excepting cafes and restaurants in office buildings. The application for such license shall be filed with the state board of commissioners of labor not less than one week prior to the granting of said license and the state board of labor commissioners shall act upon such application within thirty (30) days from the time of application. Such application shall be accompanied by the affidavits of two persons who have known the applicant or the chief officer thereof, if a corporation, for two years, stating that the said applicant is a person of good moral character. The license shall run for one year from the date thereof and no longer, unless sooner revoked by the state board of commissioners of labor. Such application shall be posted in the office of the state board of commissioners of labor or in the office of the chief inspector of private employment agencies, from the date of filing thereof, and until such application is acted upon; and before any license shall be granted, notice of such application shall be published on three (3) distinct days by the state board of labor commissioners in some daily newspaper of general circulation throughout the county within which the applicant desires to locate such agency.

Bonds. SEC. 2. The state board of commissioners of labor shall require such person to file with his application for a license a bond in due form to the people of the State of Illinois, for the penal sum of five hundred dollars (\$500), with one or more sureties, to be approved by the said state board of commissioners of labor, and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of this act. If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agency, in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee thereof shall be entitled to the same remedies upon the bond of such licensed person, or otherwise, as the person aggrieved would have been entitled to, if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this section shall not be exclusive of any other remedy which would otherwise exist.

Registers. SEC. 3. It shall be the duty of every such licensed person to keep a register, in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment and amount of the fee received. Such licensed person shall also enter, in a separate register, in the English language, the name and address of every accepted applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the

state board of commissioners of labor, their duly qualified agents, and the officers created by this act.

No such licensed person, or his employees, shall knowingly make any false entries in such register. It shall be the duty of such licensed persons who employ agents or solicitors to provide each of the said employees with a suitable badge, containing said licensed person's name, and address of such agency and number of such license, and shall file with the state board of commissioners of labor the name of each such employee.

Badges.

SEC. 4. A registration fee not to exceed two dollars (\$2.00) may be charged by such licensed agency when such agency shall be at actual expense in advertising such individual applicant, or in looking up the references of said applicant. In all such cases a complete record of such references shall be kept on file, which record shall, during all business hours, be open for the inspection of the said state board of commissioners of labor, the chief inspector of employment agencies or his assistants. For such registration fee a receipt shall be given to said applicant for help or employment, giving name of such applicant, date of payment and character of position or help applied for. Said registration fee shall be returned to said applicants on demand, after thirty (30) days and within sixty (60) days from date of receipt, less the amount that has been actually expended by said licensed agency for said applicant, and an itemized account of such expenditures shall be presented to said applicant on request at the time of returning the unused portion of such registration fee, provided no position has been furnished by said licensed agency to said applicant.

Fees.

Receipt.

Return of fee.

No licensed person or persons shall, as a condition to registering or obtaining employment for such applicant, require such applicant to subscribe to any publication or exact any other fees, compensation or reward, other than the registration fee aforesaid, and a further fee, the amount of which shall be agreed upon between such applicant and such licensed person, to be payable at such time as may be agreed upon in writing, but the further fee aforesaid shall not be received by such licensed person before the applicant has been tendered a position by said licensed person. In the event the position so tendered is not accepted by or given such applicant, said licensed person shall refund all fees requested by said applicant, other than the registration fees aforesaid within three (3) days after demand is made therefor. No such licensed person shall send out any applicant for employment without having obtained a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place where said applicant was directed, said licensed party shall refund to such applicant within five (5) days after demand, any sum paid by said applicant for transportation in going to and returning from said place and all fees paid by said applicant.

Additional fees, etc.

In addition to the receipt herein provided to be given for registration fees, it shall be the duty of such licensed person to give, to every applicant for employment from whom other fee or fees shall be received, an additional receipt, in which shall be stated the name of such applicant, the date and amount of such other fees; and to every applicant for help from whom other fee or fees shall be received, an additional receipt, stating the name and address of said applicant, the date and amount of such other fee or fees, and the kind of help to be provided. All receipts shall have printed on the back thereof, in the English language, the name and address of the state board of commissioners of labor and the chief inspector of employment agencies.

Receipts.

Every such licensed person shall give to every applicant for employment, a card or printed paper containing the name of the applicant, the name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. If an employee furnished fails to remain one week in a situation, through no fault of the employer, a new

Return of fees.

employee shall be furnished to the applicant for help, if he so elects, or three-fifths ($\frac{3}{5}$) of all fees paid returned within four (4) days after demand: *Provided*, Said applicant for help notifies said licensed person within three (3) days of the failure of the applicant to accept the position or the applicant's discharge for cause. If the employee is discharged within one week without said employee's fault, another position shall be furnished, or three-fifths ($\frac{3}{5}$) of all fees paid returned to the applicant for employment.

Laws to be posted.

Every such person shall post in a conspicuous place in each room of such agency, sections three (3), four (4) and five (5) of this act, which shall be printed in languages which persons commonly doing business with such agency can understand. Such printed matter shall also contain the name and address of the state board of labor commissioners and the chief inspector of employment agencies, and shall be furnished by the state board of labor commissioners.

Accepting pay to withhold services.

SEC. 5. No such licensed person shall solicit or receive any fees, compensation or reward from any employer, in payment for such person's refusal to register or obtain employment for any applicant for employment. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract or railroad laborers, in any place outside the city in which such agency is located, the said licensed person shall give each of such laborers, in a language with which such laborers are familiar, a statement containing the following items: Name and address of the employer, name and nature of the work to be performed, wages offered, destination of the person employed, terms of transportation and probable duration of employment; and a duplicate of such statement shall be kept on file in the office of the licensed person sending out such laborers.

Labor sent outside city.

Immoral resorts.

SEC. 6. No such licensed person shall send, or cause to be sent, any female help or servants, or inmate or performer, to enter any questionable place or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, or gambling house, the character of which such licensed person knows, either actually or by reputation.

Children.

No such licensed person shall knowingly permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the child labor law, approved May 15, 1903, and in force July 1, 1903, and an act to regulate the employment of children, approved June 9, 1897, and in force July 1, 1897. For the violation of any of the provisions of this section, the penalty shall be a fine of not less than fifty dollars (\$50) and not more than two hundred dollars (\$200), or imprisonment in the county jail or house of correction for a period of not more than one year, or both, at the discretion of the court, in addition to the revocation of such person's license. No such licensed person shall

Fraudulent notices.

publish or cause to be published any fraudulent notice or advertisements of such employment agencies by means of cards, circulars or signs, and in newspapers and other publications; and all of its letter heads, receipts and blanks shall contain the name and address of such employment agency, and shall state in all such notices the fact that such licensed person is or conducts an employment agency. No agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication a name similar to that of the Illinois free employment office. All written communications sent out by such licensed person, directly or indirectly, to any person in regard to help or employment, shall have contained therein definite information, that such person is an employment agent; and no such licensed person shall knowingly give any false information or make any false promise concerning employment to any applicant who shall register for employment or

help. No such licensed agent shall divide fees with or pay a commission to any person to whom applicants are sent for employment or help.

Dividing fees.

SEC. 7. Any person, firm or corporation, who for hire or with a view to profit, shall undertake to secure employment or help, or through the medium of a card, circular, pamphlet or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured, shall be deemed a private employment agency and be subject to the provisions of this act, provided that charitable institutions are not included. The term fee, as used in this act, means money or a promise to pay money. The term fee also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage, or lodging for any applicant for employment. The term fee, as used in this act, also means and includes the difference between the amount of money received by any person who furnishes employees or performers for any entertainment, exhibition or performance, and the amount paid by the said person to the employees or performers whom he hires to give such entertainments, exhibition or performance. The term privilege, as used in this act, means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

Definitions.

SEC. 8. The enforcement of this act shall be entrusted to the state board of commissioners of labor, and an officer to be known as the chief inspector of private employment agencies, which officer shall be recommended by the state board of commissioners of labor and appointed by the governor of the State and whose term of office shall be for the period of the incumbency of the governor appointing him, or until his successor is appointed. He may appoint by and with the approval of the governor one (1) inspector for every fifty (50) licensed agencies or major fraction thereof, who shall make at least bimonthly visits to every such agency. Said inspectors shall have a suitable badge which they shall exhibit on demand of any person with whom they may have official business. Such inspectors shall see that all the provisions of this act are complied with, and shall have no other occupation or business. Complaints against any such licensed person may be made orally or in writing to the state board of labor commissioners or to the chief inspector of private employment agencies, and reasonable notice thereof, not less than one (1) day, shall be given in writing to said licensed person by serving upon him concise statement of the facts constituting the complaint, and the hearing shall be had before the state board of labor commissioners or the chief inspector of private employment agencies as the state board aforesaid shall designate, within one week from the date of the filing of the complaint and no adjournment shall be taken for a period longer than one (1) week. Reasonable notice of the place of hearing of any complaint shall be given to such licensed person complained against. A calendar of all hearings shall be kept by the state board of labor commissioners of the complaints they are to hear, and by the chief inspector of those he is to hear, and shall be posted in a conspicuous place in its or his public office for at least one (1) day before the date of such hearing. The result of such hearings shall be rendered within eight (8) days from the time the matter is finally submitted. The said state board of commissioners of labor may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this act, and when it is shown to the satisfaction of the said board of commissioners of labor that any person is guilty of any immoral, fraudulent or illegal conduct in connection with the conduct of said business, it shall be the duty of said state board of commissioners of labor to revoke the license of such person, but notice of such charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself in the man-

Enforcement.

Chief inspector of agencies.

Assistants.

Complaints.

Withholding or revoking licenses.

ner and form heretofore provided in this section of the act. Whenever said board of commissioners of labor shall refuse to issue or shall revoke the license of any such employment agency said determination shall be subject to review on writ of certiorari. Whenever for any cause license is revoked said revocation shall not take effect until seven (7) days after such revocation is officially announced, and such revocation shall be considered good cause for refusing to issue another license to said person or his representative, or to any person with whom he is to be associated in the business of furnishing employment or help. The violation of any provision of this act except as provided in section[s] one (1) and six (6) shall be punishable by a fine not to exceed twenty-five dollars (\$25), and any city magistrate, judge of a municipal court, police justice, justice of the peace or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit to the county jail or house of correction the person so offending for a period not exceeding thirty (30) days. The said state board of labor commissioners or the chief inspector of employment agencies or any of the inspectors created by this act, may institute criminal proceedings for its enforcement before any court of competent jurisdiction. The state board of commissioners of labor shall employ legal advice or services whenever in its opinion such advice or services are necessary in or to the enforcement of this act.

Violations.

Powers of inspectors.

SEC. 9. The chief inspector of private employment agencies and all the inspectors created by this act shall have full power to execute and serve all warrants and process[es] of law issued by any justice of the peace or police magistrate, or by any court having jurisdiction under the law relating to employment agencies in the same manner as any constable or police officer, may serve and execute such processes, or may arrest on view and without warrant, any unlicensed person detected by them actually violating any of the provisions of this act and may take such person so offending before any court having jurisdiction of the offense, and make proper complaint before such court which shall proceed with the case in the manner and form provided by law.

Bond.

SEC. 10. * * * Said chief inspector shall furnish a bond payable to the State of Illinois, in the sum of five thousand dollars (\$5,000) said bond to be approved by the governor and filed with the secretary of the state. * * *

Construction.

SEC. 11. Should one or more of the provisions of this act be held invalid, such invalidity shall in no manner affect any of the valid provisions hereof.

Repeal.

SEC. 12. Sections 9, 10 and 11 of an act relating to employment offices and agencies approved May 11, 1903 [chapter 48, secs. 61, 62, and 63, Rev. St. of 1905], and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 15, 1909.

Examination, etc., of coal miners.

(Page 284.)

SECTION 1. An act entitled "An act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and provide [providing] penalties for the violation of the same," approved June 1, 1908, and in force July 1, 1908, is hereby amended to read as follows:

Certificates required.

Section 1. Hereafter no person whosoever shall be employed or engaged as a miner in any coal mine in this State without having first obtained a certificate of competency and qualification so to do from a "miners examining board" of some county in this State: *Provided*, That any miner actually employed in this State when this act becomes effective, who has been employed as a miner at

least two years in coal mines, shall be entitled to a certificate permitting him to work in the mines of this State as a practical miner: *And further provided*, That any such certificated miner may have one uncertificated person working with him and under his direction for the purpose of learning said business of mining and becoming qualified to obtain a certificate in conformity with the provisions of this act.

Sec. 2. In each county of this State where the business of coal mining is carried on, there shall be created a board to be styled the miners' examining board, to consist of three practical, experienced and skillful miners of at least five years' continuous experience, who are then actually engaged in mining coal in the county for which they are appointed. Such appointments shall be made by the county judges in their respective counties immediately after this act shall be in effect, and on or before the 10th day of January in each year thereafter, and all vacancies in said board shall be at once filled by the county judge of the county in which such vacancy occurs. Examining board.

Each of said boards shall organize by electing one of the members president, and one member secretary; and every member of said board shall, within ten days after his appointment, take and subscribe an oath or affirmation before a properly qualified officer of the county in which he resides, that he will honestly and impartially discharge his official duties; each of said boards shall provide itself with an impression seal, having engraved thereon the name of said board and the county for which it is appointed.

Members of said board shall receive, as compensation for their services, three and fifty one-hundredths dollars (\$3.50) per day for each day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, under the provisions of this act, and no part of the salary of the members of said board, or the expenses thereof, shall be paid out of the state treasury except as herein provided.

Sec. 3. Each of said examining boards shall designate some convenient meeting place in their respective counties, of which due notice shall be given by advertisement in two or more newspapers of the proper county. At such meeting a book of registration shall be open in which shall be registered the name and address of each and every person to whom said board shall issue a certificate of competency under this act. Meetings.

Sec. 4. Each applicant for examination for the certificate herein provided, shall pay a fee of one dollar and the amount derived from this source shall be held by said boards respectively and applied to the expense and salaries herein provided, and such as may arise under the provisions of this act. The said boards shall report in writing quarterly to the court appointing them, all moneys received and disbursed under the provisions of this act, together with the number of miners examined under this act and the number failing to pass the required examination. Fees.

All moneys over and above the amount required to pay the salaries of the members of said board in their respective counties, and their necessary actual expenses while in the performance of their duty as such board shall be paid to the state treasurer on the second Wednesday of each and every month, and the same shall be paid out by said state treasurer only upon warrants issued by the county judge of the county for which such board was appointed.

Said warrants shall show on their face that they are for the payment of the salary and necessary actual expenses of the members of said board in such county.

Sec. 5. It shall be the duty of said boards respectively to meet on the first Wednesday of each month and to remain in session for a period of two days and no longer, and said meeting shall be public. The said board shall examine under oath all persons residing in the county in which said board resides who apply for certificates as provided in this act, and said board shall grant such certificates of competency or qualifications to such applicants as Examinations.

are qualified, which certificates shall entitle the holders thereof to be employed as, and to do the work of miners in any county in this State, without other or further examination.

No certificate of competency shall issue or be given to any person under this act unless he shall produce evidence of having had not less than two years of practical experience as a miner or with a miner, and in no case shall an applicant be deemed competent unless he appear in person before the said board and orally answer intelligently and correctly at least twelve practical questions propounded to him by the board pertaining to the requirements and qualifications of a practical miner. The said board shall keep an accurate record of the proceedings of their meetings and in said record shall show a correct detailed account of the examination of each applicant with questions asked and their answers and at each of these meetings the board shall keep said record open for public inspection. Any miner's certificate granted under the provisions of this act shall not be transferable and any transfer of the same shall be deemed a violation of this act. Such certificates shall be issued only at meetings of said boards, and said certificates shall not be legal unless then and there signed by at least two members of said board, and sealed with the seal of the board issuing the certificates.

Working
without certificate.

Sec. 6. That no person shall hereafter engage as a miner in any coal mine without having obtained such certificate as aforesaid. And no person shall employ any person as a miner who does not hold such certificate as aforesaid, and no mine foreman or superintendent shall permit or suffer any person to be employed under him, or in the mines under his charge and supervision as a miner except as herein provided, who does not hold such certificate. Any person or persons who shall violate or fail to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars and not more than five hundred dollars, or shall undergo imprisonment in the county jail for a term of not less than thirty days and not to exceed six months, or both at the discretion of the court.

Enforcement.

Sec. 7. It shall be the duty of the several miners' examining boards to investigate all complaints or charges of noncompliance or violation of the provisions of this act, and to prosecute all persons so offending; and it shall be the duty of the prosecuting attorney of the county wherein the complaints or charges are made to investigate the same and prosecute all persons so offending, and it shall at all times be the duty of such prosecuting attorney to prosecute such members of the miners' examining board as have failed to perform their duty under the provisions of this act. Upon conviction of any member of the miners' examining board for any violation of this act, in addition to the penalties herein provided, his office shall be declared vacant, and he shall be deemed ineligible to act as a member of the said board.

Administering oaths.

Sec. 8. For the purpose of this act, the members of the said miners' examining board shall have the power to administer oaths.

Approved June 5, 1909.

Railroads—Construction of cabooses.

(Page 306.)

Length, etc.,
of cars.

SECTION 1. It shall be unlawful for any person, receiver or corporation, operating a line of railroad situated in whole or in part in the State of Illinois, to require or to permit the use of any caboose cars unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with cupolas and with platforms, not less than thirty inches wide across each end thereof, and that said platforms shall be equipped with guard rails, grab irons and steps for the safety of persons in alighting or getting

on said caboose cars, and said caboose cars shall be equipped with at least two four-wheel trucks.

SEC. 2. Any person, receiver or corporation, operating a line of railroad situated in whole or in part in this State, violating any of the provisions of section 1 of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense.

Violations.

SEC. 3. It shall be the duty of the board of railroad and warehouse commissioners to have this law enforced.

Enforcement.

SEC. 4. The provisions of this act shall not apply to the use of caboose cars in yard and in transfer service, nor to the use of caboose cars now owned by any railroad or railway company operating in this State; and it is further provided that in case of unusual and unforeseen [unforeseen] demands of traffic, caboose cars not of standard construction may be used temporarily: *Provided*, That the railway company or companies desiring to use the same shall apply to and obtain an order of the railroad and warehouse commission granting the privilege to temporarily use the same.

Exemptions.

Approved June 15, 1909.

Employment of children—School attendance.

(Page 342.)

SECTION 274. Every person having control of any child between the ages of seven and sixteen years, shall annually cause such child to attend some public or private school for the entire time during which the school attended is in session, which shall not be less than six months of actual teaching: *Provided, however*, That this act shall not apply in case the child has been or is being instructed for a like period in each and every year in the elementary branches of education by a person or persons competent to give such instruction, or in case the child's physical or mental condition renders his or her attendance impracticable or inexpedient, or in case the child is excused for temporary absence for cause by the principal or teacher of the school which said child attends, or in case the child is between the ages of fourteen and sixteen years and is necessarily and lawfully employed during the hours when the public school is in session. For every neglect of the duty prescribed by this section, the person so offending shall forfeit to the use of the public schools of the city, town or district in which such child resides, a sum not less than five dollars nor more than twenty dollars and costs of suit, and shall stand committed until such fine and costs of suit are fully paid.

School attendance required.

Approved June 12, 1909.

Protection of employees as members of the national guard.

(Page 437.)

SECTION 4. A person who, either by himself or with another, willfully deprives a member of the national guard or naval reserve of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said national guard or naval reserve or his employer in respect of his trade, business or employment, because said member of said national guard or naval reserve is such member, or dissuades any person from enlistment in the said national guard or naval reserve by threat of injury to him in case he shall so enlist, in respect of his employment, trade or business, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500). And it shall be the duty of the state's attorney of the county wherein said information is made or offense committed, to prosecute said action in the name of the people of the State of Illinois.

Interfering with employment.

Penalty.

Approved June 10, 1909.

INDIANA.

ACTS OF 1909.

CHAPTER 25.—*Railroads—Trains not to be run without sufficient crews.*

Full crew required—

On freight trains;

SECTION 1. It shall be unlawful for any railroad company doing business in the State of Indiana that operates more than four (4) freight trains in every twenty-four (24) hours, to operate over its road, or any part thereof in the State of Indiana, or suffer or permit to be run over its road outside of the yard limits, any freight train consisting of more than fifty (50) freight or other cars, exclusive of caboose and engine, with less than a full freight train crew, consisting of 6 persons, to wit: One (1) conductor, one (1) engineer, one (1) fireman, two (2) brakemen and one (1) flagman, and it shall be unlawful for any such railroad company that operates more than four (4) freight trains in every twenty-four (24) hours to run over its road or any part thereof in the State of Indiana, outside of the yard limits, any freight train consisting of less than fifty (50) freight or other cars, exclusive of caboose and engine, with less than a full freight train crew for such a train, consisting of five (5) persons, to wit: one (1) conductor, one (1) engineer, one (1) fireman, one (1) brakeman, and one (1) flagman: *Provided, however,* That a light engine without cars shall have the following crew, to wit: One (1) conductor, or flagman, one (1) engineer, and one (1) fireman.

On passenger, etc., trains.

SEC. 2. It shall be unlawful for any railroad company doing business in the State of Indiana to run over its road or any part of its road, in this State, outside of yard limits, any passenger, mail or express train, consisting of five (5) or more cars, with less than a full passenger crew, consisting of one (1) engineer, one (1) fireman, one (1) conductor, one (1) brakeman, and one (1) flagman (said brakeman or flagman shall not be required to perform the duties of baggage master, express messenger, or porter); that it shall be unlawful for any railroad company doing business in the State of Indiana to run over its road, or any part of its road in the State of Indiana, outside of yard limits, any passenger, mail or express train consisting of less than five (5) cars, with less than a full passenger crew, consisting of one (1) engineer, one (1) fireman, one (1) conductor and one (1) brakeman (said brakeman shall not be required to perform the duties of baggage master, express messenger or porter).

Experience.

SEC. 3. All flagmen provided for in this act shall have had at least one year's experience in train service.

Violations.

SEC. 4. Any railroad company violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, for each offense, and such company shall be liable for any damages caused by the violation of any of the provisions of this act.

Approved February 26, 1909.

CHAPTER 34.—*Assignment of wages—Wage brokers.*

Definition.

SECTION 1. Any person, company, corporation or association loaning money directly or indirectly to any employee or wage-earner upon the security of or in consideration of any assignment of the wages or salary of such employee or wage-earner, shall be defined and held to be a wage broker and subject to the provisions of this act.

Assignments limited.

SEC. 2. No assignment of his or her wages or salary by any employee or wage-earner to any wage broker or any other person for his benefit shall be valid or enforceable, nor shall any employer or debtor recognize or honor such assignment for any purpose whatever, unless it be for a fixed and definite part of the wages or

salary earned or to be earned during a period not exceeding thirty days immediately following the date of the assignment. Any assignment which shall be postdated or dated on any other date than that of its actual execution shall be void and of no effect for any purpose whatever.

SEC. 3. No wage broker shall ask, demand or receive, either as compensation or interest, or in any other manner directly or indirectly, any compensation or interest for the use of money advanced or loaned by him to any employee or wage-earner in excess of the rate of eight per cent per year, and said compensation or rate of interest shall be computed upon the amount actually advanced to and received by the borrower, and no commission, compensation or charges in addition to the interest above named shall be asked, demanded or received by said wage broker or any other person for making or securing said advancement or loan. Rate of interest.

SEC. 4. No assignment of his wages or salary by a married man, who shall be the head of a family residing in this State, shall be valid or enforceable without the consent of his wife, evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgments of conveyances, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgment. Assignments by married men.

SEC. 5. No assignment of wages or salary shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignments, shall be given to the employer or doctor within ten days from the date of its execution. Employer to have notice.

SEC. 6. Every purchase of a wage broker of an assignment of the wages or salary of any employee or wage-earner shall be held and considered to be a loan in the sum and of the amount actually paid to and received by such employee or wage-earner. Status of purchased assignments.

SEC. 7. Any person, company, corporation or association, or the officers, members, agents or employees thereof, violating any or either of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be liable to a fine in the sum of not less than twenty (\$20) dollars nor more than one hundred (\$100) dollars for each offense, or to imprisonment in the county jail for a period not to exceed ninety days, or both. Violations.

SEC. 8. Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker or any other person in violation of any of the provisions of this act shall be null and void and of no effect; and upon conviction, any and all moneys advanced or loaned by said wage broker in violation of any of the provisions of this act and all interest thereon shall be forfeited. What notes, etc., void.

Approved February 27, 1909.

CHAPTER 62.—*Safety appliances on railroads—Switch engines.*

SECTION 1. Every railroad engine used in the State of Indiana exclusively, for the purpose of switching cars in any yard or in any place used for the purpose of making up trains or switching cars after January 1, 1910, shall be uniformly equipped with foot-boards on the front and rear ends, which shall be not less than ten inches wide and not less than ten inches nor more than twelve inches above the rails. Every such engine shall have headlights at both ends. Every such engine shall be fitted with grab irons not less than six inches above the pilot beam on both ends of the engine. Equipment required.

SEC. 2. Every such common carrier, or the receiver thereof, using, or permitting to be used, any engine in violation of any provisions of this act, shall be liable to a penalty of one hundred dollars for each violation, to be recovered in a suit or suits to be brought by and in the name of the railroad commission of Indiana, for the use of the State of Indiana, in any circuit or superior court of this State having jurisdiction over any such offending carrier. Violations.

Defenses ab-
rogated.

SEC. 3. Any employee of any railway company who may be killed or injured by any engine in use contrary to the provisions of this act, shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such engine had been brought to his knowledge, nor shall any such employee be held as having contributed to his injury in any case where the railway company shall have violated any of the provisions of this act when such violation contributed to the death or injury of any such employee, when the failure to comply with the provisions of this act was the proximate cause of such injury.

Approved March 5, 1909.

CHAPTER 90.—*Accidents on railroads—Surgical supplies.*

Supplies re-
quired.

SECTION 1. It shall be unlawful for any steam railroad company engaged in the transportation of passengers or freight of any kind whatsoever to run or attempt to run any passenger or freight train upon which passengers or employees may ride or travel that is not equipped with at least one medical emergency case which shall contain the following specified articles: Two gauze bandages and two triangular pieces of gauze eighteen inches wide, and one pound of absorbent cotton.

Enforcement.

SEC. 2. It shall be the duty of the board of railroad commissioners to have this law enforced.

Violations.

SEC. 3. Any such railroad company violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

Approved March 5, 1909.

CHAPTER 94.—*Private employment offices.*

License re-
quired.

SECTION 1. No person, firm, or corporation shall in this State open, operate, or maintain an employment agency without first obtaining a license for the same from the chief of the bureau of statistics. Every license shall contain a designation of the city or town, street, and number of the building where the licensed person, firm, or corporation conducts said employment agency. The license, together with a copy of this law, shall be posted in a conspicuous [conspicuous] place in each and every place or office where said agency does business. No agency shall print, publish, or paint, in any way, any sign, card, or advertisement in any way similar to the name, "Indiana Free Public Employment Bureau." All advertisements and statements, window signs, door signs, and all literature of private employment agencies shall contain the words "licensed employment agency," together with the regularly licensed name of the agency. The said chief of the bureau of statistics shall require each and every applicant for a license to execute to the State of Indiana a bond in the penal sum of one thousand (\$1,000) dollars with a surety company, or with two solvent resident freeholders, conditioned that the obligor will not violate any of the duties, terms, conditions, or provisions of this act, which said bond shall be approved by the said chief of the bureau of statistics. The said chief is authorized to cause an action to be brought on said bond, in the name of the State of Indiana, for any violation of any of the conditions of said bond, and may, upon a full hearing revoke such license whenever, in his judgment, the party licensed has violated any of the provisions of this act or has been convicted of the violation of any criminal law of this or other States, subject to an appeal by the person, firm or corporation whose license is so revoked within ten days from the date of such revocation to the circuit or superior court of the county in which the business of said person, firm or corporation is located. It is hereby made the duty of the attorney-general to prosecute any action brought by the chief in such cases.

Bond.

SEC. 2. A fee of twenty-five dollars (\$25) shall be paid for each license granted under the provisions of this act. Fee.

SEC. 3. It shall be the duty of every licensed agency to keep a register of all persons applying for employment, together with their names, address, age, nativity, sex, color, trade, occupation or profession; also the names and addresses of persons, firms, and corporations to whom such applicant has been referred, and the positions which have been secured for such applicants. Such agency shall also keep a register of every person, firm, or corporation applying for help or servants, the names of all persons referred to them, and the results. All of this information shall be reported on the first day of each month to the chief of the bureau of statistics, under oath of the person or firm conducting such agency; or, if a corporation, it shall be subscribed under oath by two officers thereof. Said register shall, at all times, be open for inspection by the chief of the bureau of statistics, the sheriff of any county or the chief of police of any city in which said employment agency is located or any person delegated by either of said officers to inspect the same. Registers.

SEC. 4. Where a registration fee is charged for filing or receiving applications for employment, said fee shall in no case exceed two (\$2) dollars; and upon payment of said fee, a receipt shall be given containing the name of the applicant, the amount of the fee, the date, and the name and character of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through said licensed agency within ten days after registration as aforesaid, then the said licensed agency shall forthwith, on demand, repay and return to said applicant seventy-five per cent of the fee paid by said applicant to said agency. In case said agency procures employment for an applicant, the total fees, including registration fee, shall not exceed ten per cent, of the first month's wages, payable at end of first month's services. Fees to be charged.

SEC. 5. Any person, firm, or corporation guilty of violating any of the provisions of this act shall, upon conviction, be fined in any sum not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars, to which may be added imprisonment in the county jail for a term not exceeding six months. It shall be the duty of the chief of the bureau of statistics to enforce this act and institute criminal or civil proceedings whenever informed of any violation of its provisions. Upon instituting any such proceedings, the name of said chief shall be entered upon the docket, and upon conviction a fee of ten (\$10) dollars shall be allowed in favor of said chief, which fee, when collected, shall be accounted for as other money received by said chief under this act. Return of fee.

SEC. 6. All fees received by said chief of the bureau of statistics under this act, shall be held by said chief and shall constitute a fund for carrying out the provisions of this act, and to maintain a free public employment bureau in the office of the said chief of the bureau of statistics. The said chief shall, at the end of his term, make an account of said fund, and shall pay into the state treasury whatever remains after paying the necessary expenses as aforesaid. Violations.

SEC. 7. "Private employment agency" is defined and interpreted to mean any person, firm, or corporation who shall furnish employment or help, or who shall display any employment card, sign, bulletin, or other advertisement, or who, through any card, sign, circular, pamphlet, or other medium or advertisement, shall offer employment or help: *Provided*, That regularly established educational institutions, religious, labor, charitable and benevolent organizations, and departments or bureaus maintained by persons, firms or corporations or associations, for the purpose of obtaining help for themselves or employment for their members shall be exempt from the payment of a license fee, but all such persons, firms, corporations, departments and associations shall, before being authorized to conduct such employment agency or department, secure a permit from the chief of the bureau of statistics by filing with him an application giving such information as he Definitions.

may require. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revokable. This act shall not apply to anyone who secures employment for his friends, fellow craftsmen, or members of his family without charge.

Same.

SEC. 8. The term, "applicant for employment," as used in this act, shall be construed to mean any person seeking work of any lawful character; and "applicant for help" shall mean any persons, firm, or corporation, seeking help or offering to employ labor in any legitimate enterprise. Nothing in this act shall be construed as limiting the term, "work," to manual labor, but it shall include professional and all legitimate service.

Acts prohibited.

SEC. 9. No agency, whether licensed or unlicensed, shall send or cause to be sent any help or person to any place of bad repute, house of ill fame or assignation or place of amusement kept for immoral purposes, or for the purpose of securing a position for any applicant, or otherwise circulate, publish, record or issue any report or information to cause the discharge of any person employed in any legitimate service. Any agency, whether licensed or unlicensed, violating any of the provisions of this act or of any law in force in this State, shall forfeit all rights to continue in business. No agency shall publish, or cause to be published, or circulate any false or fraudulent notice, advertisement, or statement, or give any false information, or make any false representation or promise concerning work or employment or help, to any one who shall register for help or employment, and no such agency shall make any false entry in any book, record, or register kept by it or used by it in connection with its business. No such agency shall conduct its business in a building where intoxicating liquors are sold.

Approved March 5, 1909.

CHAPTER 98.—*Mine regulations.*

Actions for injuries.

SECTION 1. Section one (1) of an act [of 1907] entitled An act to amend section twenty-seven (27) of * * * [chapter 50, Acts of 1905, shall] be amended to read as follows: Section 27. For any injuries to person, or persons, or property, occasioned by any violation of this act, or failure to comply with any of its provisions, a right of action against the operator shall accrue to the party injured for the direct injury sustained thereby; and in case of loss of life by reason of such violation, a right of action shall accrue in favor of the personal representatives of the deceased against such operator, if the deceased might have maintained an action, had he lived, against the operator for an injury for the same act of omission. The actions shall be commenced within two years. The damages in case of death can not exceed ten thousand (10,000) dollars, and must inure to the exclusive benefit of the widow and children, if any, or next of kin, to be distributed in the same manner as personal property of the deceased.

Approved March 6, 1909.

CHAPTER 106.—*Safety appliances on railroads—Ash pans on locomotives.*

Equipment required.

SECTION 1. On and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier to use or operate any locomotive, on any railroad in this State, unless such locomotive is equipped with an ash pan which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

Violations.

SEC. 2. Any such common carrier using or operating any locomotive in violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than two hundred dollars and not more than four hundred dollars for each and every violation thereof.

SEC. 3. It shall be the duty of the railroad commission and prosecuting attorneys of this State to enforce the provisions of this act. Enforcement.

SEC. 4. The term "common carrier" as used in this act shall be construed to mean any person, firm or corporation, receiver or receivers charged with the duty of the management of the business of a common carrier. Definition.

SEC. 5. Nothing in this act shall apply to any locomotive upon which, by reason of the use of oil, gasoline, electricity or other like agency, an ash pan is not necessary. Exemptions.

Approved March 6, 1909.

CHAPTER 118.—*Fire escapes on factories, etc.*

SECTION 1. * * * Every building in which persons are employed above the second story in a factory, workshop, or mercantile or other establishment, * * * and every factory, workshop, mercantile or other establishment of more than two stories in height, shall be provided with proper ways of egress or means of escape from fire, sufficient for the use of all persons * * * employed, * * * in such buildings, and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use at all times, and all rooms above the second story in such building shall be provided with more than one way of egress or escape from fire, placed as near as practicable at opposite ends of the room and leading to fire escape [s] on the outside of such building or to stairways on the inside, provided with proper railings. All outside doors subject to the provisions of this section shall open outward, and all windows open outward or upward. * * * The certificate of the fire chief of the city where said building is located, certifying that the provisions of this act have been complied with, shall be prima facie evidence of a compliance with such requirements. Provisions required.

SEC. 2. In addition to the foregoing means of escape from fire, all such buildings as are enumerated in section 1 of this act as are more than two stories in height shall have one or more fire escapes on the outside of said building, as may be directed by the fire chief aforesaid, except in such cases as the said fire chief may deem such fire escape to be unnecessary in consequence of adequate provisions having been already made for the [sic] safety in event of fire, and in such cases of exemption the said fire chief shall give the owner, lessee or occupant of said building a written certificate to that effect and his reasons therefor, and such fire escapes as are provided for in this section shall be constructed according to specifications issued by [the] state department of inspection and accepted by the chief inspector, or approved by the fire chief, and shall be connected with each floor above the first, well fastened and secured by extending the bolts or fastenings entirely through the walls, and of sufficient strength, each of which fire escapes shall have landings or balconies guarded by iron railings not less than three feet in height, and embracing one or more windows at each story and connecting with the interior by easily accessible and unobstructed openings; and all the balconies or landings shall be connected by iron stairs, placed at a slant of not more than forty-five degrees, protected by a well-secured hand rail on both sides, with a sixteen-inch wide drop ladder from the lower platform, reaching to the ground; * * * iron stairs shall extend to a ground landing, and no telegraph, telephone, electric-light poles, trees or wire, signs or other obstructions shall interfere with the construction and use of any fire escape. Fire escapes on certain buildings.

SEC. 3. Any other plan or style of fire escape shall be sufficient if approved by the chief inspector, but if not so approved the chief inspector may notify the owner, proprietor or lessee of such establishment or of the building in which such establishment is conducted, or the agent or superintendent, * * * or either of them, in writing that any such plan or style of fire escape is not Construction. Other types.

sufficient, and may by an order in writing, served in like manner, require one or more fire escapes as he shall deem necessary and sufficient to be provided for such establishment at such location, and [of] such plan and style as shall be specified in such written order. Within twenty days after the service of such order the number of fire escapes required in such order for such establishment shall be provided therefor, each of which shall be of the plan and style in accordance with the specifications in said order required. The windows or doors to each fire escape shall be of sufficient size and be located, as far as possible, consistent with accessibility from the stairways and elevators, hatchways or openings, and the ladder thereof shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of such establishment from the upper story to the roof as a means of escape in case of fire.

Enforcement. SEC. 7. It is hereby made the duty of the chief inspector or his deputies or their assistants in every city or town where there are fire companies, and every township trustee in townships where there are buildings coming under the provisions of this act and where there are no fire chiefs in said township, to see that the provisions of this act are enforced, and for this purpose they or their assistants or deputies shall have free access at all hours to all buildings embraced herein. * * *

Same. SEC. 9. In all places where there is no fire chief the trustee of the township wherein any such buildings are situated, as in this act provided and described, shall do and perform all the duties otherwise required of said fire chiefs, and be subject to all penalties provided in this act.

Repeal. SEC. 10. All laws and parts of laws in conflict herewith are hereby repealed, and particularly the act of March 10, 1903, (chapter 222). * * *

Approved March 6, 1909.

CHAPTER 128.—*Safety appliances on railroads—Locomotive headlights.*

Inspection of headlights. SECTION 1. In addition to the powers heretofore granted to the railroad commission of Indiana said commission is hereby specifically empowered, authorized and directed, as soon as practicable after the passage of this act, to investigate the condition and efficiency of headlights now in use on locomotive engines on the railroads in this State, and if found to be inadequate for the protection of persons and property, or any other purpose, to investigate and determine what would be the most practicable and efficient headlight for all purposes, and when the commission shall have so determined, to make and enforce against the railroad companies such order or orders as may be found to be necessary to require the equipment and installation of such headlights on the locomotives on the railroads in this State, and to this end said commission is given power in such investigation to examine the various kinds of lights that may be suitable for locomotive headlights, and appliances therefor, to consult experts in such matters and to require the attendance of witnesses and the production of papers, documents, and appliances.

Approved March 6, 1909.

CHAPTER 133.—*Mine regulations—Blasting.*

Blasting regulated. SECTION 1. Section 1 of an act [of 1908] entitled An act to amend section 2 * * * [of chapter 204, Acts of 1907,] is hereby amended to read as follows: Section 2. It shall be unlawful for any person for the purpose of blasting coal in any mine in this State, to prepare any "shot" in such a way that the distance from the drill hole to the "loose end," chance or end of cutting shall be more than five feet measured at right angles to the direction of the hole; or to place any charge of powder or other explosive in any drill hole prepared for any "shot" in which the

breast of coal to be dislodged is of greater width than the depth of the drill hole; or to use in preparing any "shot" more than six pounds of powder; or to place any powder in any drill hole for the purpose of preparing any "shot" without measuring the amount so placed therein with a substantial measure so made as to indicate the weight of blasting powder measured therein; or to open a keg, can or other package containing powder, by means of a pick or in any other manner except in pursuance of the manner provided in the manufacture of such keg, can or package; or to sell or offer for sale any keg, can or package containing powder, unless such can, keg or package be provided with a sufficient device for opening the same and permitting the discharge therefrom of all the powder therein contained; or to store any blasting powder, dynamite or other high explosive in any coal mine; or to prepare any drill bit more than three and one-quarter ($3\frac{1}{4}$) inches in diameter to be used in boring holes for the purpose of preparing any shot or to use any dynamite or other high explosive in conjunction with black powder. It shall be unlawful for any owner, operator or lessee of any coal mine, coal shaft or slope coal mine to refuse, fail or neglect to sharpen and prepare for use any bit for preparing drill holes, if such bit is three and one-quarter ($3\frac{1}{4}$) inches in diameter, or less, and such owner, operator or lessee, or his representative, has been requested to prepare and sharpen the same by any owner of such bit or bits.

Approved March 6, 1909.

CHAPTER 155.—*Free public employment office.*

SECTION 1. The chief of the bureau of statistics shall maintain in connection with his office, a free public employment bureau for the purpose of receiving and filing applications of persons seeking employment and of persons seeking to employ labor. Office to be maintained.

Sec. 2. The said chief of the bureau of statistics shall make and preserve, either in book form or by card a record of all persons applying for help and of those seeking employment. This record shall contain the names and address of those seeking help and the kind of work to be performed; also the name of each applicant for employment, the address, age, sex, color, nativity, occupation, character of employment desired, number of dependents, if any, and such other information as the chief of the said bureau may deem proper, which information shall be published in his reports; but he shall not in any case disclose the identity of any person in such reports. Registers.

Sec. 3. No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help, except it shall be lawful for applicants to enclose sufficient postage for all replies. No fee to be charged.

Sec. 4. The term "work," or "employment," shall mean any legitimate trade, occupation, or service. Definitions.

Sec. 5. It is hereby made the duty of all county, city, town, and township officials to cooperate with the said chief of the bureau, and furnish him and all applicants, such information as may be required by said chief. Duties of officials.

Sec. 6. The said chief of the bureau of statistics shall, at least four times a year, or as often as he may deem advisable, publish in pamphlet form, a bulletin to be printed in the same manner by the state printer as other reports of said office are printed, containing information concerning opportunities and inquiries of persons seeking to employ labor; but in no case shall the name of any person, firm, or corporation be used. Said report shall also include such other information as the chief of the bureau may deem of value, and he may mail a copy of each issue to such persons, organizations, and officials as he may deem advisable. No single issue of said bulletin shall exceed thirty-five hundred copies. Bulletins.

Sec. 7. All persons, firms, and corporations, who have applied to such bureau for help, and to whom applicants for positions are Notices from employers.

referred, shall notify the chief whether applicants have been accepted or rejected, and shall answer such inquiries as may be made by the chief relative to such applicants. And any official, person, firm, or corporation neglecting or refusing for ten days to comply with any of the provisions of this act, shall be liable to a penalty of one hundred (\$100) dollars, to be collected by the order of the chief of said bureau of statistics, in an action wherein the State of Indiana shall be plaintiff.

Approved March 8, 1909.

CHAPTER 163.—*Inspection of factories, etc.—Manufacture of food products.*

Sanitation.

SECTION 1. Every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed and the purity and wholesomeness of the food therein produced; and for the purpose of this act the term "food" as used herein, shall include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound and all substances or ingredients used in the preparation thereof.

Floors, furniture, etc., to be clean.

SEC. 2. The floors, sidewalks, ceilings, furniture, receptacles, implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthful or unsanitary condition, and for the purpose of this act, unclean, unhealthful or unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and, as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employees, clerks or other persons therein employed is unclean.

Construction of rooms.

SEC. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be well plastered, wainscoted or ceiled with metal or lumber and shall be oil painted or kept well limewashed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paints and be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water.

Windows and doors to be screened.

SEC. 4. The doors, windows and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze.

SEC. 5. Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and wash rooms shall be adjacent to toilet rooms and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

Toilet rooms.

SEC. 6. Cuspidors for the use of operatives, employers, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or side walls of any building, room, basement or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted.

Cuspidors.

SEC. 7. No person or persons shall be allowed to live or sleep in any workroom of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared for sale, served or sold.

Sleeping in workrooms.

SEC. 8. No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food, who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis, or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping cough, chicken pox or any other infectious or contagious disease.

Contagious and infectious diseases.

SEC. 9. It shall be the duty of the state board of health to enforce this act, and for that purpose the state, county, city and town health officers shall be food inspectors subordinate to the state board of health. The state food and drug commissioner, the food inspectors of the state board of health, the state, county, city and town health officers shall have full power at all times to enter every building, room, basement, or cellar occupied or used or suspected of being occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food, and to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employees and operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination or inspection shall furnish evidence of said violation to the prosecuting attorney of the county or circuit wherein such violations occur, who shall prosecute all persons violating any of the provisions of this act, or said inspector shall report such conditions and violations to the state food and drug commissioner, who shall issue an order to the person or persons in authority at the aforesaid establishment to abate the condition or violation or to make such improvements as

Enforcement.

may be necessary to abate them, within a period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing and the person receiving the order shall have the power of appeal from the order and instructions, and may within five days from the issuance of the order appear in person or by attorney before the state food and drug commissioner to give reason why such order or instructions should not be obeyed.

Violations.

SEC. 10. Any person who violates any of the provisions of this act or who refuses to comply with any lawful orders or requirements of the state food and drug commissioner duly made in writing as provided in section 9 of this act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than \$10 nor more than \$50; for the second offense by a fine of not less than \$50 nor more than \$100, and for the third and subsequent offense by a fine of \$200 and imprisonment in the county jail for not less than 30 nor more than 90 days, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the state food and drug commissioner, shall constitute a distinct and separate offense.

Approved March 8, 1909.

CHAPTER 178.—*Safety appliances on railroads—Automatic bell ringers.*

Automatic devices required.

SECTION 1. It shall be unlawful for an [any] railroad company operating within said State [of Indiana] to use, or permit to be used, on their respective lines of railroad any locomotive which is not properly equipped with an efficient automatic device for ringing the bell of such locomotive, and such device to at all times be kept in proper working order.

Violations.

SEC. 2. Any railroad company violating the provisions of this act shall be fined in the sum of not more than three hundred [dollars] (\$300) nor less than one hundred dollars (\$100) for each and every violation thereof.

Approved March 8, 1909.

IOWA.

ACTS OF 1909.

CHAPTER 51.—*Protection of employees on street railways—Inclosed platforms.*

Vestibules to be inclosed.

SECTION 1. On and after the first day of October, 1909, every person, partnership or corporation owning or operating street railways in this State shall provide and maintain upon all motor cars, except trailers, used for the transportation of passengers, not now by law required to carry an enclosed vestibule, a transparent shield extending the full width of each car and constructed in such manner as will afford protection to the motorman and passengers on the platform of such motor car from inclement weather.

Violations.

SEC. 2. Failure to comply with the terms of this act shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) and each day during which any car shall be operated in violation of this act shall constitute a separate offense.

Approved April 7, A. D. 1909.

CHAPTER 52.—*Safety appliances on street railways—Power brakes.*

Power brakes required.

SECTION 1. Every person, partnership, company or corporation, owning or operating a street railway in this State shall equip every double-truck passenger car of thirty-seven (37) feet and

more in length over all, or weighing thirty-five thousand (35,000) pounds or more, purchased, built or rebuilt hereafter, with power brakes other than hand capable of bringing such car to as [a] stop within a reasonable distance together with equipment for sanding the rails of any street railway, which brake and sand equipment shall be controlled and operated by the motorman on said car.

SEC. 2. Any violation of this section shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each day every such car is operated in violation hereof.

Violations.

Approved April 13, A. D. 1909.

CHAPTER 124.—*Liability of railroad companies for injuries to employees.*

SECTION 1. The law as it appears in section twenty hundred and seventy-one (2071) of the Supplement to the Code, 1907, [shall] be amended by adding after the period at the end of said section the following:

In all actions hereafter brought against any such corporation to recover damages for the personal injury or death of any employee under or by virtue of any of the provisions of this section, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee; nor shall it be any defense to such action that the employee who was injured or killed assumed the risks of his employment.

Comparative negligence.

Defenses barred.

Approved March 25, A. D. 1909.

CHAPTER 126.—*Safety appliances on railroads—Switching engines.*

SECTION 1. It shall be unlawful for any railway or terminal transfer company, or any corporation operating locomotives in switching or yard service, to operate, or permit the same to be operated, unless said locomotives are equipped with headlight on both front and rear of engine, when operated between sunset and sunrise, and all such engines shall be equipped with a footboard of substantially uniform height, width and length, securely fastened and firmly braced to the pilot beam in front of engine, and a similar footboard on rear of tank or tender of engines, upon which employees may stand or ride when their duties require them so to do, and that a substantial grab rail or rod be securely fastened upon said pilot beam at each end and in the center, at a convenient height for employees to reach and hold onto with their hands, said rod to extend across the full length of the said pilot beam, and also across the rear end beam of said tank or tender: *Provided*, That the provisions of this statute shall not apply to switching or yard service at stations or places where regular switch engines are not employed exclusively as switch engines, or during a period of not exceeding twelve (12) hours, when a switch engine is being cleaned or washed out, and also switching by work trains: *And provided further*, That where regular switch engines are disabled by accident, or in need of repairs, or there is an unusual or unexpected amount of work, switching, under such conditions, with ordinary engines, for a period of not to exceed forty-eight hours, shall not be considered a violation of this statute.

Lights required.

Footboards.

Grab rails.

SEC. 2. Any person, railway company, terminal transfer or other corporation or company who violates any of the provisions of sec-

Violations.

tion one of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50) or more than five hundred dollars (\$500) for any such violation, and each day that every such engine is operated shall constitute a separate and distinct violation of this act.

Approved April 2, A. D. 1909.

CHAPTER 144.—*Bureau of labor statistics.*

Additional
factory inspect-
or.

SECTION 1. The law as it appears in section twenty-four hundred seventy-seven (2477) of the Supplement to the Code, 1907, is hereby amended by inserting after the word "month" and before the word "one" in the eighth line of said section the following: "And if, in the opinion of the executive council, it is deemed necessary, one additional factory inspector may be employed at a salary of one hundred dollars per month"; that the section be further amended by striking out of line twenty-one the words "fifteen hundred" and inserting in lieu thereof the words "two thousand".

Incidental ex-
penses.

Approved March 29, A. D. 1909.

CHAPTER 145.—*Employment of children—Age limit.*

SECTION 1. Section twenty-four hundred seventy-seven-d (2477-d), Supplement to the Code, 1907 [chapter 103, sec. 4, Acts 1906], is hereby amended by adding thereto the following:

Proof of age. Any officer whose duty it is to enforce the provisions of this act shall have authority to demand of employers, proof of age of any child employed in their establishment; such proof shall be an authenticated birth record, and if there is no such record, then a baptismal record fully attested, that will establish the age of the child, and if there is no such record, a school record that will establish the age of the child, attested by a superintendent, principal, or teacher; where no such proof is obtainable, a parents' affidavit, together with affidavits made by two disinterested persons, who are in no way related to either the child or his employers, establishing date of birth may be accepted, and if no such proof is furnished, such child shall forthwith be dismissed from his employment.

Approved March 25, A. D. 1909.

CHAPTER 146.—*Employment of certified mine foremen, etc.*

Employment
required, when.

SECTION 1. The law as it appears in section twenty-four hundred eighty-nine-a (2489-a) of the Supplement to the Code, 1907, [relating to the time for filling vacancies in the position of mine foreman, pit boss, or hoisting engineer,] is amended by striking therefrom the words "a reasonable time" as they appear in the eighth line of said section and inserting in lieu thereof the words "thirty days."

Approved March 25, A. D. 1909.

CHAPTER 204.—*Wages preferred—In receiverships.*

SECTION 1. Section four thousand nineteen (4019) of the Code * * * when amended, shall read as follows, viz:

What wages
preferred.

When the property of any company, corporation, firm or person shall be seized upon by any process of any court, or placed in the hands of a receiver, trustee or assignee, or their property shall be seized by the action of creditors, for the purpose of paying or securing the payment of the debts of such company, corporation, firm or person, the debts owing to employees for labor performed within the ninety days next preceding the seizure or transfer of such property, to an amount not exceeding one hundred dollars to each person, shall be a preferred debt and paid in full, or if there is not sufficient realized from such property to pay the same in

full, then after the payment of costs, ratably out of the fund remaining, but such preference shall be junior and inferior to mechanics' liens for labor in opening and developing coal mines.

SEC. 2. Section four thousand twenty (4020) of the Code * * * when amended, shall read as follows, viz:

Any employee desiring to enforce his claim for wages, at any time after the seizure of the property under execution or writ of attachment or under any other authority, and before sale thereof is ordered, shall present to the officer levying on such property or to such receiver, trustee or assignee, or to the court having custody of such property or from which such process issued, or the person charged with such property, a statement under oath, showing the amount due after allowing all just credits and set-offs, and the kind of work for which such wages are due, and when performed; and unless objection be made thereto as provided in the following section, such claim shall be allowed and paid to the person entitled thereto, after first paying all costs occasioned by the proceeding out of the proceeds of the sale of the property so seized or placed in the hands of a receiver, trustee, or assignee, or court, or the person charged with the same, subject, however, to the provisions of the preceding section.

Procedure.

SEC. 3. Section four thousand twenty-one (4021) of the Code * * * when amended shall read as follows, viz:

Any person interested may contest any claim or part thereof by filing objections thereto, supported by affidavit, with such court, receiver, trustee or assignee, and its validity shall be determined in the same way the validity of other claims are which are sought to be enforced against such property, provided that where the claim is filed with a person charged with the property other than the officers above enumerated and a contest is made, that the cause shall be transferred to the district court, and there docketed and determined.

Contesting claims.

Approved March 25, A. D. 1909.

CHAPTER 219.—*Assumption of risks.*

SECTION 1. Section forty-nine hundred and ninety-nine-a-three (4999-a-3) Supplement of the Code, 1907, [chapter 181, Acts of 1907,] is hereby repealed and the following enacted in lieu thereof:

In all cases where the property, works, machinery, or appliances of an employer are defective or out of repair, and where it is the duty of the employer from the character of the place, work, machinery or appliances to furnish reasonably safe machinery, appliances or place to work, the employee shall not be deemed to have assumed the risk, by continuing in the prosecution of the work, growing out of any defect as aforesaid, of which the employee may have had knowledge when the employer had knowledge of such defect, except when in the usual and ordinary course of his employment it is the duty of such employee to make the repairs, or remedy the defects. Nor shall the employee under such conditions be deemed to have waived the negligence, if any, unless the danger be imminent and to such extent that a reasonably prudent person would not have continued in the prosecution of the work; but this statute shall not be construed so as to include such risks as are incident to the employment. And no contract which restricts liability hereunder shall be legal or binding.

Defective appliances.

Assumption of risks.

Waiver.

Contracts.

Approved April 16, A. D. 1909.

CHAPTER 232.—*Leave of absence for employees in public service.*

SECTION 1. Each officer and employee of the state institutions under the control of the board of control of state institutions who shall have been in the service of said State not less than one year continuously, giving all his or her time to said service, shall be entitled to a vacation each year on full pay as follows: After having served one year to seven days, and after having served

Leave allowed.

Amounts.

two years to ten days, and after having served three years to fourteen days: *Provided, however,* That the vacations authorized by this act shall not be taken by any person in any institution unless the executive officer thereof shall have given to that person a permit in writing to take such vacation, specifying in the permit the days on which the vacation may be taken. A copy of such permit shall be attached to the pay roll of the institution for the month during which the vacation was taken, and the pay roll shall show the number of days the person was absent under the permit.

To be taken
when.

SEC. 2. It shall be the duty of the chief executive officer of each institution to arrange for the vacations hereby authorized to be taken at such times as will interfere as little as possible with the work of the institution, and be just to the employees.

Application
of statute.

SEC. 3. This act shall not apply to any officer or other employee who is not required to render service for twelve months each year.

Approved April 2, A. D. 1909.

KANSAS.

ACTS OF 1909.

CHAPTER 65.—*Employment of children.*

Age limit.

SECTION 1. No child under fourteen years of age shall be at any time employed, permitted or suffered to work in, or in connection with, any factory, workshop, not owned or operated by the parent or parents of the said child, theater or packing house, or operating elevators, or in or about any mine. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during the hours in which the public school is in session in the district in which said child resides.

Night work.

SEC. 2. It shall be unlawful for children under sixteen years of age, who are employed in the several vocations mentioned in this act, or in the distribution or transmission of merchandise or messages, to be employed before seven o'clock a. m. or after six o'clock p. m., or more than eight hours in any one calendar day, or more than forty-eight hours in any one week. No person under sixteen years of age shall be employed at any occupation nor at any place dangerous or injurious to life, limb, health or morals.

Hours of labor.

Dangerous,
etc., occupa-
tions.

Certificates
required.

SEC. 3. All persons, firms or corporations employing children in any of the vocations mentioned in this act under sixteen years of age shall be required to first obtain a certificate of the age of such children, based upon the school census records, the same to be secured where possible from the school superintendent, principal or teacher of the school or other person authorized by the school board to have charge of the school census records in the district or city wherein such children reside. Said certificate shall be issued without charge, and shall be substantially in the following form:

Form.

_____[city], _____[county], Kan., _____[date].
This certifies that _____[full name], according to the records of the school census and from all knowledge that I can obtain, was born _____[day], _____[month], _____[year], at _____, in _____ county, state of _____, and is now _____ years and _____ months of age. His (or her) height is _____ [tall—short—medium], weight _____ [heavy—light—medium], complexion _____ [fair or dark], hair _____ [color], eyes _____ [color], and he resides at No. _____, _____ street.

(Signature) _____
_____[official school position] of _____
[name of school] school or district No. _____.

When said child's name and age does not appear on the school census enumeration of said city or district, then said firm, person

or corporation employing such child shall secure an affidavit from the parent or legal guardian of such child, which statement shall contain the facts and data as set forth in the above certificate, and shall be certified on oath before some officer authorized to administer oaths. Such certificate or affidavit shall be sufficient protection to the employer of any child as to the age of such child, except when such employer has actual knowledge of the falsity of such certificate, and all such certificates shall be kept constantly on file in a convenient place, and shall at all times be open to inspection of the proper authorities, as provided in this act.

SEC. 4. It shall be the duty of the state factory inspector, state inspector of mines and their deputies to inspect the certificates hereinabove provided for, to examine children employed in factories, workshops, theaters, elevators, packing houses and mines and the vocations mentioned in section 2 of this act as to their age, and to file complaints in any court of competent jurisdiction to enforce the provisions of this act, and it shall be the duty of the county attorney of the proper county to appear and prosecute all complaints so filed.

Enforcement.

SEC. 5. Any person, firm or corporation employing any person or child in violation of any provision of this act, or permitting or conniving at such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

Violations.

SEC. 6. Chapter 278, Laws of 1905, is hereby repealed.

Repeal.

Approved February 9, 1909.

CHAPTER 119.—*Accidents in factories, on railroads, etc.*

SECTION 1. Wherever loss of life or serious personal injury shall occur in or about any factory, workshop, work yard, mill or other industrial establishment, or on any building in course of construction, or in the operation of any railroad, street car line, public works, or in or about any passenger or freight elevator or other place, works or yards, where machinery or motive power is used, by reason of defects or faults in machinery, appliances, tools, scaffolding, ropes, cables or other appliances or materials used in construction or in the operation of said machinery or appliances, or motive power, so used, it shall be the duty of the owner, agent, manager, superintendent, or foreman in charge thereof, within twenty-four hours shall [to] mail a notice to the state factory inspector with a true and complete statement so far as known of the manner in which such accident occurred and the cause and casualties thereof: *Provided*, Such statement shall not be competent evidence in any court in this State. If on receipt and examination of such statement and in his judgment the circumstances shall warrant, it shall be the duty of the state factory inspector to immediately go or send a deputy to the scene of such accident and to make such investigation and recommendations and require such alterations of the machinery and appliances causing such accident as may be necessary to prevent a recurrence of said accident and for the safety and protection of other persons there employed. In case any person is killed in an accident as described in the foregoing and a coroner's inquest is held, the state factory inspector or his deputy may attend and participate in the inquest, upon the request of the coroner and county attorney, and ascertain by the testimony before the coroner the cause of such accident for the purpose of securing such information as may be necessary to prevent a repetition of such accident.

Accidents to be reported.

Investigations.

SEC. 2. The state factory inspector shall incorporate in his annual report to the governor a report of said accidents occurring, the cause and casualties of said accidents as ascertained, whether fatal or nonfatal, and a record of the recommendations made in such cases.

Reports by inspector.

Failure to report. SEC. 3. Any owner, agent, manager, superintendent or foreman in charge of properties as described in section 1 of this act, where accidents shall have occurred, who shall fail or refuse to send such notices and statements and otherwise comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Exemptions. SEC. 4. *Provided*, That this act shall not apply to the coal or salt mines of this State.

Approved March 12, 1909.

CHAPTER 174.—*Mine regulations—Sprinkling, etc., in dusty mines.*

Sprinkling required. SECTION 1. It shall be the duty of the mine boss or agent in charge of any mine where coal dust or any other inflammable ingredients accumulate to cause the same to be properly sprinkled or saturated in either air courses, entries, rooms or crosscuts, or if impracticable to overcome such coal dust or other inflammable ingredients by sprinkling, then the same shall be removed and shall not be deposited where it will again be distributed in the atmosphere by the ventilating currents, or removed from the mine, when in the judgment of the mine inspector it becomes necessary to do so. It shall be the duty of the mine inspector or deputy inspectors to enforce all possible preventive measures necessary to maintain the safety of all persons employed in any mine against the gathering or accumulation of any combustible matter that is explosive in its nature, and shall cause the operator, or whosoever is operating such mine as owners, lessee, agent, or in any capacity, to immediately remove any such accumulated matter.

Enforcement. SEC. 2. Any owner or lessee who shall neglect or refuse to comply with the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than ten dollars nor more than one hundred dollars for each violation of the provisions of said section 1 of this act.

Violations. SEC. 3. It shall be the duty of the miner to remove the drillings from the mouth of the drill hole to a distance of not less than fifteen feet before the shots are fired, and no miner shall use coal drillings for tamping shots.

Blasting. SEC. 4. Any miner who shall neglect or refuse to comply with the provisions of section 3 of this act shall be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than one dollar nor more than ten dollars for each violation of said section 3.

Violations. SEC. 4. Any miner who shall neglect or refuse to comply with the provisions of section 3 of this act shall be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than one dollar nor more than ten dollars for each violation of said section 3.

Approved February 26, 1909.

CHAPTER 175.—*Mine regulations—Blasting.*

Use of dynamite. SECTION 1. It shall be unlawful for any person or persons engaged in coal mining to use or cause to be used dynamite or other detonating explosives in the preparation of any blast or shot in any coal mine within the State of Kansas: *Provided, however*, That dynamite or other detonating explosives may be used under such rules and regulations as may be agreed upon between the employer and the employees, same to be approved by the state mine inspector. All rules, regulations and permits to use dynamite or other detonating explosives, as herein provided, shall be in writing.

Entering mines after shots. SEC. 2. It shall be unlawful for any person or persons, firm, corporation or company to direct any of its or their employees to go into any sinking shaft or development work in a coal mine, after shots have been discharged in which dynamite or other detonating explosives have been used, before having removed all

smoke, gases or other unsanitary conditions that may have been so created by the use of dynamite or other detonating explosives.

SEC. 3. Any person or persons violating the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars.

Violations.

SEC. 4. Any person, persons, firm, company or corporation violating the provisions of section 2 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars.

Same.

Approved February 26, 1909.

CHAPTER 176.—*Mine regulations—Escape shafts.*

SECTION 1. In all cases where any coal mine heretofore in operation in this State, with its principal or main shaft of a depth of 1,000 feet or more, and having no air or escapement shaft other than its main or principal shaft, the time in which to complete such air or escapement shaft as required by chapter 304, Laws of Kansas, 1905, page 473, [section 4172, Gen. Stat. 1901] is hereby extended two years from the date of passage of this act.

Time for completing shaft.

Approved February 26, 1909

CHAPTER 188.—*Safety appliances on railroads—Blocking frogs, etc.*

SECTION 1. In order to guard against accidental injury to the employees and others, every railroad company operating a railroad in the State of Kansas shall cause all its frogs, switches and guard rails on its track or tracks in this State to be filled, blocked and guarded in a practical manner.

Frogs, etc., to be blocked.

SEC. 2. Any such company violating section 1, in addition to its liability to any person injured or to his legal representative, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars, and any neglect or failure to comply with the provisions of this act to fill, block or guard any frog, switch or guard rails, as required in section 1 of this act, for a period of thirty days, shall constitute a separate offense.

Violations.

Approved March 12, 1909.

CHAPTER 195.—*Protection of employees on street railways—Enclosed platforms, etc.*

SECTION 1. It shall be unlawful for any street or interurban car company, or other person, association or corporation, who own, control or operate any street or interurban car system in whole or in part within the State of Kansas, to run or operate its cars in the regular service of carrying passengers during the months of November, December, January, February and March, without first providing an enclosed vestibule, which shall provide a sufficient shelter for the motorman or other employee used to operate the propelling power on said car. Said vestibule shall be heated in the same manner as the interior of said car at all times. And it is further provided that a seat shall be furnished for the use of the motorman on said car or cars, and said motorman shall be permitted to use the same, under reasonable restrictions by said company, when the use of the same will not interfere with the proper performance of his duty.

When vestibules must be enclosed.

SEC. 2. Every such street or interurban car company, or other person, association or corporation, who own, control or operate any street or interurban car system in whole or in part within the State of Kansas, shall provide and maintain proper toilet facilities on said interurban cars or at convenient places along its right of way, for the use of its employees and passengers and to which such employees and passengers shall have access.

Toilet facilities.

Violations. SEC. 3. Every corporation, officer, owner or manager of any such street or interurban car company who shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars for each offense; and the operation of a car at any one time during any one day in violation of sections 1 or 2 shall be deemed a violation of this act.

Repeal. SEC. 4. Chapter 172, Laws of 1897, the same being sections 5950 and 5960 of the General Statutes of 1901, are hereby repealed.

Approved February 9, 1909.

CHAPTER 224.—*Inspection of barber shops and public bathrooms.*

Inspection required. SECTION 1. In the interest of the public health, and to prevent the spread of contagious and infectious diseases, the state board of health is charged with the sanitary supervision of all barber shops, barber schools, public bath houses and public bathrooms in the State.

Board to make rules, etc. SEC. 2. The state board of health is hereby directed and empowered to inspect or cause to be inspected the places mentioned in section 1 of this act, and to make such rules and regulations as are necessary to safeguard the public health and to prevent the spread of contagious or infectious diseases, which rules and regulations shall be published in the official state paper, and any person violating any such rules or regulations, when made and published in the official state paper, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed fifty dollars or less than five dollars.

Violations.

Approved March 5, 1909.

KENTUCKY.

ACTS OF 1908.

CHAPTER 59.—*Mine regulations—Inspectors—Examination, etc., of foremen.*

Appointment. SECTION 1. The governor of this Commonwealth is hereby authorized and directed to appoint two additional assistant inspectors of mines, who shall hold the office for four years and until their successors are appointed and qualified. Said assistants shall have a thorough knowledge of the different systems of working and ventilating coal mines and of the nature and properties of mine gases, especially explosive gases and dust, and shall have a thorough and practical knowledge of mining gained by at least five years experience at and in coal mines. Said assistant inspectors, before entering upon the discharge of their official duties, shall be sworn to discharge those duties faithfully and impartially and to the best of their skill and ability, which oath shall be certified by the officer administering it, and said certificate shall be filed with the secretary of state in his office, and each of said assistants shall give bond in the sum of two thousand dollars, with surety to be approved by the governor, for the faithful discharge of his official duties. Each of said assistants shall give his entire time and attention to the duties of his office, which shall consist of aiding, under the direction of the chief inspector of mines, in carrying out and enforcing the provisions of the laws relating to the inspection of mines. He shall keep a record of all inspections made by him and shall make monthly reports of the same to the chief inspector and he shall at all times in all things pertaining to the duties of his office be subject to the orders of the chief inspector. No assistant inspector shall be interested in operating any mine in this State and each shall be liable to dismissal for willful neglect of duty, for misconduct, or malfeasance in office. Each assistant inspector shall receive an an-

Qualifications.

nual salary of twelve hundred dollars, payable monthly, and shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

But before any person or persons shall be appointed as such assistant mine inspector he shall be required to pass a satisfactory examination before the board of examiners hereinafter named and shall be required to obtain from such board of examiners a certificate duly signed by the members thereof certifying to the governor that said applicant possesses all of the qualifications hereinbefore mentioned. Examination required.

SEC. 2. The chief inspector of mines and any two of his assistants shall constitute a board of examiners for the examination of applicants for certificates of qualification to serve as foreman in coal mines, said two assistants to be designated and called into service at any time by the said chief inspector; and said chief inspector may on any occasion call any two assistant inspectors he may choose to act upon said board for such purpose, and at any time when his duty as chief inspector of mines necessitates his absence from the examination of applicants, such applicants may be examined by any two assistant inspectors which the chief inspector may designate: *Provided*, He shall be careful to designate only such assistants as examiners in his absence as he shall know to be thoroughly equipped and qualified to act as such examiners. Said board shall meet at such times and places as the chief inspector of mines shall from time to time order, and for their services as examiners they shall receive no extra compensation, but only the salary and traveling expenses as now provided by law, that is, their services as examiners shall be reckoned and in fact shall be considered and treated as part of the duties of their office. Board.

SEC. 3. Six months after this act goes into effect, no owner, lessee, or operator of a coal mine in which as many as ten persons are employed at one time shall employ as mine foreman any person who has not been granted a certificate of qualification to the effect that he has been examined by the board of examiners provided for in the preceding section of this act and has been found fit and competent as herein required; and said board of examiners shall in no event grant any certificate to any person who does not satisfy said board that he is a person of good moral character and of his sobriety, and that he possesses a thorough knowledge of the different systems of working and ventilating coal mines and of the nature and properties of mine gases, dust and fire damp, and shall have a thorough and practical knowledge of mining gained by at least five years' experience in and at mines: *Except and provided*, That any person who for four years prior to the passage of this act has served as mine foreman or assistant mine foreman in coal mines may upon application therefor and upon satisfactory evidence presented to said board of examiners as to his term of service and as to his character for morality and sobriety, be granted a certificate of qualification without such examination, which certificate shall be known as a "service certificate" and shall be so designated on its face. Each applicant for examination shall, before he is examined, pay a fee of two dollars and fifty cents to the auditor of public accounts, who shall issue his receipt therefor, which receipt the applicant shall present to the chief inspector of mines or to such member of the board as may at any time be designated to receive the same, and each applicant for a "service certificate" shall likewise pay a fee of two dollars and fifty cents to the auditor of public accounts and shall likewise present the auditor's receipt before such certificate may be issued to him; and all fees so paid shall be turned into the treasury to the credit of the general-expenditure fund. The chief inspector shall keep a record of all proceedings of the board, including the names and addresses of persons who apply for examination or for "service certificates," and of the certificates that have been granted; and the board is Mine foremen to have certificates.

hereby authorized to cancel any certificate upon satisfactory evidence that the person to whom it has been issued has been guilty of violating instructions to comply with the requirements of the mining laws, or who has proven inefficient. The certificate to be granted to applicants who pass the examination herein provided for, shall in substance state that the applicant has been examined under the provisions of this act and has been found to possess the qualifications required by law. The chief inspector shall formulate the necessary blank certificates and cause same to be printed by the public printer in such quantities as may be needed from time to time.

Shot firers.

SEC. 4. In all coal mines in this State in which as many as ten persons are usually employed at one time, wherein explosive gases are known to generate or exist in dangerous quantities, or coal dust is known to accumulate or exist in dangerous quantities, the owner, lessee or operator shall, when so ordered by the chief inspector of mines, or by an assistant inspector of mines, when approved by the chief inspector, employ and keep a sufficient number of practical and experienced men, to be known and designated as "shot firers" whose exclusive duty it shall be to set off and discharge the shots in all blasting in the workings of the said mines, but no "shot firer" shall fire any shot which in his judgment, after due inspection, shall not be a workmanlike and practical shot.

Notice of shots.

SEC. 5. Said shot firers shall immediately after the completion of their work post a notice in a conspicuous place at the mines in which shall be indicated the number of shots fired also the number of shots they did not fire, if any, specifying the number of the room and the designation of the entry, and give their reasons for not firing the same. The owner or operator of said mines shall provide reasonable and proper means for posting said notice. Said "shot firers" shall also keep a daily permanent record in a book, to be furnished them by said owner or operator, in which they shall enter the number of shots or blasts fired, the number of shots or blasts failing to explode, the number of "blown-out" shots, and the number of shots or blasts that in their judgment were not properly prepared and which they refused to fire, giving their reasons for the same. Said records shall be in the custody of the mine manager or superintendent and shall be available to inspection at all reasonable times by parties interested, and shall be open for inspection by the chief inspector of mines and the assistant inspectors. Said "shot firers" shall be treated and considered as employees and agents of said owner or operator.

Firing shots.

SEC. 6. Said "shot firers" shall not do any blasting or exploding of shots or firing whatever until each and every miner and employee is out of the mine, except said "shot firers," mine superintendent, mine manager, mine foreman, and the person or persons necessarily employed in charge of pumps and stables in said mines, and any person in said mine, whose duty it is to go out of said mine before said firing, blasting and exploding takes place under the provisions of this act who willfully fails or refuses to go out of said mine as herein provided shall be fined in any sum not exceeding fifty dollars in the discretion of the court or jury.

Timbers.

SEC. 7. Each owner, lessee or operator of every mine to which the mining laws of the State apply, shall provide and furnish to the miners employed in said mine a sufficient number of caps and props, said props to be sawed square at each end, to be used by said miners in securing the roof in their rooms, and at such other working places where by law or custom of those usually engaged in such employment it is the duty of said miners to keep the roof propped, after the miner has selected and worked the same.

Violations.

SEC. 8. Except as herein otherwise provided, any willful neglect or failure or refusal of any owner, lessee, or operator of a coal mine, or of any person employed in such mine, to comply with the provisions of this act affecting such owner, lessee, operator, or person, or any attempt to obstruct or interfere with any person in the discharge of the duties imposed upon such person, shall be

deemed a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than two hundred dollars.

Approved March 20, 1908.

CHAPTER 63.—*Mines—Investigation of gases, etc.*

SECTION 5. * * * As a contribution toward a better knowledge of the requirements for the safe working of the mines of the State, the technological work of the [state geological, topographical, and agricultural] survey shall include an investigation of mines, gases and coal dusts and of such other matters as are appropriate, to such extent as the means of the survey may permit. Scope of survey.

Approved March 25, 1908.

CHAPTER 66.—*Employment of children—Age limit—Inspection of factories.*

SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session. Age limit.

SEC. 2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any factory, workshop, mine, or mercantile establishment, unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the labor inspector, an employment certificate as hereinafter prescribed, and keep two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall forthwith be surrendered by the employer to the child or its parent or guardian or custodian. The labor inspector may make demands on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ, or permit or suffer such child to work therein. The labor inspector may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the inspector within ten days after such demand such evidence of age herein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed. Certificates.

SEC. 3. An employment certificate shall only be approved by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board: *Provided*, That no member of a school board or other person authorized as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employee. File. Who may approve.

Evidence.

SEC. 4. The persons authorized to issue employment certificates shall not issue such certificates until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided herein below. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births, shall be sufficient evidence of the age of such child. (3) The affidavit of the parent, guardian or custodian of a child, which shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing employment certificates, who is hereby authorized and required to administer such oaths, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificates, and until such officer shall, after making examination, file and sign in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upward and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health, or by the county physician. Every employment certificate shall be signed in the presence of the child in whose name it is issued.

Description of child.

SEC. 5. Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

School record.

SEC. 6. The school record above mentioned shall be signed by the principal or chief teacher of the school which such child has last attended and shall be furnished, on demand, to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school records, and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing and geography and is familiar with the fundamental operations of arithmetic up to and including common fractions. Such school record shall also give the age and residence of the child, as shown on the records of the school and the name of its parent, or guardian or custodian: *Provided*, That upon the filing with the person authorized to issue employment certificates of the affidavit of the applicant or of his or her parent, guardian or custodian, showing that diligent effort has been made to obtain the school record hereby required and that it can not be obtained, then the person authorized to issue the certificate may issue such a certificate without having received such school record, but it shall be his duty, in such case, to examine the applicant as to his or her proficiency in each of the studies mentioned in this section; and in such case the employment certificate shall show that such examination was had in lieu of the filing of the school record.

Reports.

SEC. 7. The local board of education or the school board of a city, town or district, as the case may be, shall transmit between the first and tenth of each month, to the office of the labor inspector, a list of the names of the children to whom certificates have been issued during the previous month.

SEC. 8. No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than sixty hours in any one week, not [sic] nor more than ten hours in any one day; or before the hour of seven o'clock in the morning or after the hour of seven in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice, stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the state labor inspector, and the employment of any minor for longer time in any day so stated shall be deemed a violation of this section.

Hours of labor of children.

Night work.

SEC. 9. Whoever employs a child under sixteen years of age, and whoever having under his control a child under such age permits such child to be employed in violation of section one, two or eight of this act, shall, for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or a labor inspector thereof, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or labor inspector any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section two of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section five of this act, who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars, nor less than ten dollars.

Violations.

SEC. 10. Truant officers may visit the factories, workshops, mines, and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of schools and to the labor inspector. Labor inspectors and truant officers may require that the employment certificates and lists provided for in this act, of minors employed in such factories, workshops, mines or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the labor inspectors.

Enforcement.

SEC. 11. No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever, nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate, or assist in operating circular or band saws, wood shapers, wood joiners, planers, sandpaper or wood-polishing machinery, emery or polishing wheels used for polishing sheet metal, wood turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as a pin boys in any bowling alley; they shall not operate or assist in operating dough brakes, or cracker machinery of any description, wire or iron straightening machinery, nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, or grinding or mixing mills, or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery, nor shall such children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead, nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator, nor shall they be employed in any capacity whatever in the manufacture

Certain employments prohibited.

of goods for immoral purposes, nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold, nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly. Nor shall any child under sixteen years of age be employed at any occupation dangerous or injurious to health or morals, or to lives or limbs, and as to these matters, the decision of the county physician or city health officer, as the case may be, shall be final.

Guards for dangerous machinery. Sec. 12. It shall be the duty of the owner of any manufacturing establishment, where any person under sixteen years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable, or cause to be furnished and supplied to him, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearing, belting, set screws and machinery of every description therein, which is palpably dangerous, where practicable, shall be properly guarded; and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while in motion.

Wash rooms, etc. Sec. 13. Suitable and proper wash rooms and water-closets shall be provided in each manufacturing establishment, where any person under sixteen years of age is employed, and such water-closets shall be properly screened and ventilated and be kept at all times in a clean condition; and if girls under sixteen years of age be employed in any such establishment, the water-closet shall have separate approaches and be kept separate and apart from those used by men. All closets shall be kept free from obscene writing and marking. A dressing room shall be provided for such girls when the nature of their work is such as to require any change of clothing.

Seats for female employees. Sec. 14. Every person, firm, corporation, association, individual or partnership employing girls under sixteen years of age in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works, or printing offices in this Commonwealth, shall provide seats for the use of the girls so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

Walls to be limewashed, etc. Sec. 15. The walls and ceilings of each room in every manufacturing establishment where any person under sixteen years of age is employed shall be limewashed or painted, when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the persons working therein.

Enforcement. Sec. 16. Grand juries shall have inquisitorial powers to investigate violations of this act; also shall county judges and circuit judges, and judges of the circuit courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act.

Law to be posted. Sec. 17. A copy of this act shall be conspicuously posted and kept in each workroom of every manufacturing establishment, mill, mine or workshop or mercantile or printing establishment, theater, bowling alley, telegraph, telephone or public messenger company or laundry in this Commonwealth.

Violations. Sec. 18. Any adult person who violates any of the provisions of this act or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days, or by a fine of not less than fifty

dollars nor more than two hundred dollars, or by both fine and imprisonment.

SEC. 20. This act shall operate and be construed as a repeal of an act * * * [chapter 16, Acts of 1902], and as a repeal of an act * * * [chapter 52, Acts of 1906], and all other laws and parts of laws in conflict with the provisions of this act are hereby repealed. Repeals.

Approved March 18, 1908.

LOUISIANA.

ACTS OF 1908.

ACT No. 31.—*Interest to be paid on employees' deposits.*

SECTION 1. All corporations, firms and individuals doing business in this State requiring of its or their employees a cash deposit as a guarantee for the faithful performance of the duties imposed upon such employees, shall pay to such employee in cash interest at the rate of not less than four per cent per annum on the cash sum so deposited. Rate of interest required.

Approved June 20, 1908.

ACT No. 73.—*Inspection of factories, etc.—Doors to open outwardly.*

SECTION 1. All the doors for ingress and egress to * * * factories with more than twenty employees * * * shall be so swung as to open outwardly from the * * * workshops; but such doors may be hung on double-jointed hinges, so as to open with equal ease outwardly or inwardly. Doors to be open outwardly.

SEC. 2. The provisions of this act shall apply to all buildings and houses within its terms, erected after its passage, from the date it becomes in force. As to all such buildings and houses heretofore erected, said provisions shall be applied from and after the expiration of six months from the date when this act became operative. Allowance of time.

SEC. 3. * * * The owner of any * * * factory, failing to comply with the provisions of this act or to have same complied with as relates * * * to such building or buildings owned by them, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, and upon failure to pay such fine and costs shall be imprisoned in the parish jail for a period not exceeding (90) ninety days. Violations.

SEC. 4. *Provided*, That this act shall not apply to factories, cotton seed oil mills and other like establishments where the doors for the purpose of protection against fire, are so arranged as to slide back and forth on rollers. Sliding doors.

Approved June 30, 1908.

ACT 155.—*Bureau of labor and industrial statistics.*

SECTION 1. The governor, shall, by and with the advice and consent of the senate, appoint some suitable person who shall be designated "Commissioner of Labor and Industrial Statistics," with headquarters in such place as the governor shall designate, and who shall hold his office for a term of four (4) years. Commissioner.

SEC. 2. The duties of such commissioner shall be to collect, assort, systematize and present in annual reports to the governor, and to be by him biennially transmitted to the legislature within ten days after the convening thereof every two years, statistical details, relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring people; and to the permanent prosperity of the productive industries of the State, and also inquire into the immediate causes of strikes, lockouts or other disturbances of the relations between employers and employees. Duties.

Power.

SEC. 3. The commissioner shall have power to take and preserve evidence, examine witnesses under oath, and administer the same, and in the discharge of his duties, may enter any public institution of the State, and at reasonable hours when open for business, any factory, mill, workshop, store or other places where labor may be employed. He shall have power to appoint such deputies as he may deem necessary and all inspectors [inspections], authorized by law, of factories, mills, workshop, store or other places where labor is employed shall be made by said commissioner or his deputies. It shall be the duty of the commissioner and his deputies to enforce all laws regulating or dealing with the employment of labor of any kind, and to prosecute all persons, firms or corporations violating the same. In the city of New Orleans, the mayor, with consent of the council shall appoint a factory inspector who may be either male or female.

Deputies.**Duty of officers.**

SEC. 4. All state, parochial, municipal and town officers, are hereby directed to furnish to said commissioner, upon his request, all statistical information in reference to labor and industries, which may be in their possession as such officers.

Hindering commissioner.

SEC. 5. Any person who shall willfully impede or prevent the commissioner or his deputies in the full or free performance of his or their duties, shall be deemed guilty of a misdemeanor and upon conviction of the same shall be fined not less than five (5) dollars nor more than twenty-five (25) dollars or be imprisoned not less than five (5) days nor more than twenty-five (25) days in the parish jail, or both at the discretion of the court.

Salary.

SEC. 6. The commissioner shall receive a salary of fifteen hundred (\$1500) dollars per annum, he shall employ a secretary at a salary of one thousand (\$1000) dollars per annum and shall be allowed the sum of one thousand (\$1000) dollars per annum for all necessary expenses attendant upon the duties of his office, all of which amounts shall be payable monthly out of the general fund, upon the warrant of the said commissioner.

Exemption.

SEC. 9. Nothing in this act shall be construed as relating to sugar industries or sugar mills outside of any city or town in this State.

Approved July 2, 1908.

ACT No. 178.—*Examination, etc., of electricians.*

Board.

SECTION 1. The governor shall within, thirty (30) days after the passage of this act, appoint in each city therein of more than fifty thousand (50,000) inhabitants, a board which shall be known as the Board of Electrical Examiners and Supervisors, consisting of five qualified electors for the purpose of examining into the qualifications and capabilities of master electricians, as defined by section 5 of this act.

The members of the boards so appointed shall be competent practical electricians, and shall be selected as follows: One (1) from nomination made by the oldest established electrical contractors' association of each city, one (1) from nomination made by the commissioner of police and public buildings, one (1) from nomination made by the fire marshal, and one (1) from nomination made by local "International Brotherhood Electrical Workers," inside wiremen, and these four shall select a fifth member from among the local established electrical engineers. A majority of said board shall constitute a quorum to transact the business thereof. Unless removed for cause, the term of office of the members of the first number so appointed shall be as follows: The nominee from the fire marshal one (1) year; nominee from the electrical contractors' association, two (2) years; the nominee of the commissioner of police and public buildings, one (1) year; nominee from the local I. B. E. W., inside wiremen, two (2) years, the fifth member selected shall serve one year. Should any vacancy occur from any cause, during the term of any board as herein provided, the governor shall appoint some one from nominations made as

above provided to fill such vacancy, and this in such manner that the various boards shall continue to be constituted as herein provided. The governor shall have full power to remove any member of the board for incompetency or improper conduct upon satisfactory evidence being presented to him of such condition.

SEC. 2. The members of said board shall respectively take and subscribe the oath required of state officers. They shall have the power to elect out of their number, a president, a secretary and a treasurer; to adopt such rules and by-laws for the transaction of the business of the board as they may deem expedient.

Oath.
Organization.

SEC. 3. Each member of said board shall receive a compensation of five dollars (\$5) per day for actual service in attending meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board: *Provided*, That the secretary of said board may receive such additional compensation as the board may deem just and reasonable and for which the by-laws of the said board may provide. In no event however shall the compensation of the members of the said boards or of their secretaries be paid out of the funds in the state treasury or become a charge against the State.

Compensation.

SEC. 4. Said boards shall meet at least once each month in their respective domiciles, and shall hold special meetings as frequently as the proper and efficient discharge of their business shall require, and each board shall adopt rules and regulations for the examination of master electricians as herein defined and when so adopted, such rules and regulations shall have the same force and effect as if herein contained; and the rules of said board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license as herein provided and said board shall give in writing to the commissioner of police and public buildings a detailed statement of all licenses issued, renewed, or revoked at any meeting of said board. A majority of its members shall organize each of such boards and constitute a quorum for the transaction of its business.

Meetings.

SEC. 5. The term "master electrician" as used in this act shall be so defined as to include any and all persons, firms and corporations engaged in the business of or holding themselves out to the public as engaged in the business of installing, erecting or repairing, or contracting to install, erect or repair electric wires or conductors to be used for the transmission of electric current for electric light, heat or power purposes, or mouldings, ducts, raceways or conduits, together with fittings for same for the reception or protection of such wires and conductors, or to electrically connect electric wires or conductors together, or to any electrical machinery apparatus device fittings or fixtures to be used for electric light, heat or power purposes.

Master electricians.

A license of "master electrician" issued or granted under and in accordance with the provisions of this act, shall entitle any such person, firm or corporation so licensed to engage in the business of installing, erecting and repairing, and of contracting to install, erect and repair any electric wires or conductors to be used for the transmission of electric current for electric light, heat or power purposes and any mouldings, ducts, raceways and conduits, together with fittings for same to be used for the reception and protection of such wires and conductors together and to any apparatus, devices, fittings or fixtures to be used for electric light, heat or power purposes.

License.

SEC. 6. Before any person [,] firm or corporation shall hereafter engage in the business of a master electrician as defined in section five (5) of this act, and before any person, firm or corporation now so engaged in said business or any branch or class thereof, shall continue in said business of "master electrician," such person firm or corporation shall apply to said board for a license to practice as "master electrician," and the applicant, if a person, or if a corporation, one of the officers or a representative and agent thereof, to be designated by said corporations; or if a firm, one of the members thereof shall present himself before the

Examination.

said board at a time and place fixed by the said board. If the board shall find upon due examination, that the applicant presenting himself is of good moral character has a satisfactory knowledge of electricity and the natural laws appertaining to and governing the same and of the use and functions of electric wires, appliances and devices for electric light, heat and power purposes and is possessed of skill and knowledge in all matters pertaining to the business of a "master electrician" as defined in section five (5) of this act the said board, upon payment of the fee and upon giving the bond hereinafter provided for, shall issue to the said person, firm or corporation a license as "master electrician" to practice said business for a term of one (1) year, and shall register such person, firm or corporation as duly licensed "master electrician."

Proviso.

Provided, That no license shall be granted to any person under the age of twenty-one (21) years, nor shall any license be granted to any person who has not taken and subscribed an oath that he, or in case of a corporation, one of the principal officers or the representative and agent thereof and, in the case of a firm, one of the members thereof, has had at least three (3) years actual experience as a "master electrician" within the terms of this act or as an electrical workman, in such class or classes of electrical business or work as, in the opinion of the board shall have properly fitted the applicant for a license as "master electrician."

Experience.

Fee.

Provided further, That each applicant at the time of filing his, their or its application, shall pay to the secretary of said state board of electrical examiners, the sum of twenty-five dollars (\$25): *And provided moreover*, That every person, firm or corporation before receiving a license shall make, execute and deliver a bond to the State of Louisiana in the full sum of twenty-five hundred dollars (\$2,500) with sufficient surety or sureties to be approved and filed with the state board of electrical examiners the bond to save harmless the owner or real party in interest in the property for which any such material is furnished, or service performed, against loss or damage which shall arise by reason of the work done or material furnished being in violation of and below the standard of the current edition of the national electric code; but action can be maintained thereon in the name of such owner or real party in interest only, if commenced within one (1) year from and after the date of the installation of the materials furnished or performance of such work or service.

Bond.

When, however, the material furnished, or work done, or service performed, shall have been inspected, and a written or printed certificate of approval issued by a legally authorized underwriters' inspector, then the said master electrician shall be considered as having fulfilled the requirements of this act, and his responsibility shall cease under the above bond for materials furnished and work or service performed.

Time allowance.

SEC. 7. All persons, firms or corporations, that at the time of the enactment of this act, are engaged in the business which shall be hereafter known as the business of a "master electrician," as described in section five (5) of this act, shall within sixty days after the passage of this act comply with all the provisions of section six (6) of this act, or such persons, firms or corporations shall within sixty (60) days cease to do the work which shall be hereafter known as that of a "master electrician" as described in section five (5) otherwise he, they or it shall be guilty of a misdemeanor and on conviction suffer the fines and penalties as set forth in section fourteen (14) of this act.

Term of license.

SEC. 8. Each and every license issued under the provisions of this act shall be signed by the president and secretary of the board and attested with its seal, and said license so signed and attested, for the period of one year, shall be evidence in any court in the State of the business for which the license is issued. All licenses and renewals of same shall expire on the first day of January of each year.

SEC. 9. No person, firm or corporation granted a license under the provisions of this act, shall continue in the business of installing or repairing electrical wires, conductors or apparatus for electric light, heat or power purposes, after the expiration of the said license, unless the said license or extension of same shall have been renewed as hereinafter provided. Work after
license expires.

Upon the payment of a fee of ten (\$10) dollars any person, firm or corporation granted a license under the provisions of this act (unless the said license shall have been revoked as hereinafter enacted), shall be granted a renewal of said license without examination of the applicant, if application therefor is made either in person or in writing to the said board by the holder of such license within the three months preceding the expiration of such license upon payment of a fee of ten dollars (\$10) and the said renewal of said license shall be made for a period of one (1) year, and shall be signed and attested as required for such original license and any such renewal of such license so signed and attested shall have the same weight as evidence in any court of this State as is hereinbefore accorded said original license. Renewal.

Provided, also, That further, one year renewals shall be granted in like manner upon expiration of any renewal of license upon making application and paying a like fee within three months preceding the expiration of such renewal, in the same manner as provided for the first renewal. Proviso.

SEC. 10. After a full hearing of all parties in interest said board shall have power to revoke for proper cause any license or renewal of same, granted by the said board. Revocation.

SEC. 11. Each and every license and renewal of same shall be in force and effect only so long, as an approved bond, filed with the said board in accordance with the provisions of section six (6) of this act shall remain in force and every such license or renewal of same shall become void by the termination of said bond regardless of the regular date of expiration of the said certificate, license or renewal. License in
force when.

SEC. 12. Any and all persons, firms or corporations granted a license or renewal thereof, in accordance with the provisions of this act shall display the same in a conspicuous place in the office or place of business of the person, firm or corporation to which it was issued. License to be
displayed.

SEC. 13. Nothing in this act shall be so construed as to prevent any person from doing or performing any of the kinds of work enumerated in section five (5) of this act when such work is performed under the direction and supervision of a duly licensed master electrician, but no work, other than minor electric repairs for the maintenance of established plants, shall be performed excepting under such direction and supervision of a duly licensed master electrician, and the said licensed master electrician shall be responsible for any and all work so done under his direction and supervision. This shall be construed as exempting lighting companies and electric railway companies and the department of police and public buildings of the city of New Orleans from the provisions of this act in so far as the maintenance and installation of their equipment pole-line services and meters are concerned. Construction
of act.

SEC. 14. Any person, firm or corporation or any member of such firm or corporation, who shall practice or engage, or continue in the work of a master electrician as defined in section five (5) of this act without having complied with all the provisions of this act, and any person not licensed as a master electrician who shall do or perform any such work except under the direction of a master electrician, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500), or to an imprisonment not exceeding ninety (90) days, or both, in the discretion of the court. Acting with-
out license.

Licenses not
assignable.

SEC. 15. No license, or renewal of same, granted or issued under the provisions of this act, shall be assignable, or transferable, and every such license and renewal of same shall specify the name of the person, firm or corporation to whom it is issued, and, in the case of a firm, the member of said firm, and in the case of a corporation, the principal officer or the designated representative of the said corporation through whom the application for the said license was made.

Use of fees.

SEC. 16. All fees collected under the provisions of this act, shall be for the use of said board to defray its necessary expenses.

Reports.

SEC. 17. It shall be the duty of the said board before the first Monday of January of each and every year, to make a report in writing to the governor of the State, containing a detailed statement of the nature of receipts and the manner of expenditure, and any balance of money remaining at the end of the year, after payment of expenses, including per diem of members of board and other necessary expenses, incurred by them in the discharge of their duties, shall be deposited in the state treasury.

Approved July 3, 1908.

ACT No. 184.—*Public printing to be done by a citizen of the State.*

Printing by
citizen.

SECTION 1. * * * Such contract or contracts [for public printing] shall not be awarded to any but a citizen of this State;
* * *

Approved July 6, 1908.

ACT No. 228.—*Company stores—Redemption of orders.*

Scrip to be
redeemed in
cash.

SECTION 1. Any person, firm or corporation issuing checks, punch outs, tickets, tokens, or other device, redeemable either wholly or partially in goods or merchandise at their, or any other place of business, shall, on demand of any legal holder thereof, on the next pay day of such person, firm or corporation issuing same succeeding the date of issuance of same be liable for the full face value thereof, in current money of the United States.

Payable to
bearer.

SEC. 2. Any such checks punch outs, tickets, tokens, or other device, issued by any person, firm or corporation, shall be considered and treated as payable to bearer, on demand, in current money of the United States, notwithstanding any contrary stipulation or provision which may be therein contained.

Failure to re-
deem.

SEC. 3. In case of failure of any person, firm or corporation to pay any legal holder of any such checks, punch outs, tickets, tokens, or other device, issued by them, the full face value thereof, in current money of the United States, when so demanded, such holder may immediately bring suit thereon in any court of competent jurisdiction, and, in addition to recovering the full face value thereof, with legal interest from demand, may recover ten per cent of said amount as attorney's fees recoverable in the same suit.

Approved July 8, 1908.

ACT No. 264.—*Protection of employees on buildings.*

Safeguards
against objects
falling.

SECTION 1. For the safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, all scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances erected or constructed by any person firm or corporation in this State for use in the erection, repairing, alteration, removing or painting of any house, building, bridge, viaduct, or other structure in cities of more than thirty thousand inhabitants, shall be erected and constructed, placed and operated so as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon.

SEC. 2. In the construction or repairing, alteration or removal of any structures, that scaffolding or staging, swung or suspended from any overhead support, more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly bolted, secured and braced and rising at least thirty-four (34) inches above the floor or main portion of such scaffolding or staging and extending along the entire length outside and ends thereof, and properly attached thereto and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure. Safety rail
for scaffolds,
etc.

SEC. 3. In any house, building or structure in process of erection or construction, where the distance between the inclosing walls is more than twenty-four feet in the clear, there shall be built, kept, and maintained proper intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns, beams, trusses or girders of wood, or other material of sufficient strength, and the floor in all such houses, buildings or structures in process of erection or construction shall be designed, and constructed in such a manner as to be capable of bearing in all their parts in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of twenty-five (25) pounds for every square foot of surface in such floor, and it is hereby made the duty of every owner, builder, lessee, contractor or subcontractor of such house, building or construction or the superintendent or agent of either to see that all the provisions of this section are complied with. Supports for
joists.

SEC. 4. It shall be the duty of every owner of every house, building or structure (except buildings exclusively for residential purpose), now under construction or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction, a placard stating the load per square foot of the floor surface, which may with safety be applied to that particular floor during such construction, or if the strength of different parts of the floor varies, then there shall be such placards for each varying part of such floor. Loading ca-
pacity.

It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placard and all such placards shall be verified and approved by the city engineer or inspector of buildings or other proper authority of the city charged with the enforcement of building laws.

SEC. 5. Whenever it shall come to the notice of the building inspector in any city in this State of more than thirty thousand inhabitants charged with the duty of enforcing the building laws, that the scaffolding, stays, hangers, blocks, pulleys, sling braces, ladders, irons, or ropes of any swinging or stationary scaffolding, platform or other similar device, used in the construction repairing alteration removing, cleaning or painting of buildings, bridges or viaducts within said cities are unsafe or liable to prove dangerous to the life or limb of any person, such local authorities shall immediately cause an inspection to be made of such scaffolding, platform or device or the slings, hangers, blocks, pulleys, stays, braces, ladders, iron or other parts connected therewith, and if after an examination, such scaffolding, platform or other device or any parts thereof is found to be dangerous to the life and limb of any person, the said local authorities shall at once notify the person, responsible for the maintenance of such fact and warn him against the use, maintenance of [or] operation thereof and prohibit the use thereof and require the same to be altered and reconstructed, so as to avoid such danger. Inspection.

Such notice may be served personally upon the one responsible for its erection or by conspicuously affixing it to the scaffolding, platform or other device, or the part thereof declared to be unsafe, after such notice has been served or affixed the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device or part thereof or alter or strengthen it in such manner as to render it safe. The officer or such local Notice.

authority whose duty it is to examine or test any scaffolding, platform or similar device or part thereof required to be erected and maintained, by this section, shall have free access at all times during reasonable hours to any buildings or structures or premises containing such scaffolding, platform or other similar device or parts thereof or where they may be in use. All swinging or stationary scaffolding, platform or other similar devices shall be so constructed as to bear four times the maximum weight required to be dependent thereon or placed thereon when in use and such swinging scaffolding, platform or other similar devices shall not be so loaded or crowded as to render them unsafe or dangerous.

Secondary
scaffolds, etc.

SEC. 6. Any person, firm, or corporation in this State, hiring, employing or directing another to perform labor of any kind in erecting, repairing, altering or painting any water pipe, standpipe, smokestack, chimney, tower, steeple, pole, staff, dome, or cupola [cupola], with the use of any scaffold, staging, swing hammock, support, temporary platform, or other similar contrivance, for such labor, shall keep and maintain at all times while such labor is being performed and such mechanical device in use or operation a safe and proper scaffold, stay, support, or other suitable device, not less than sixteen feet below such working scaffold, staging, swaying hammock, support or temporary platform when such work is being performed at a height of thirty-two (32) feet or more, for the purpose of protecting the person or persons performing such labor from falling in case of any accident to such working scaffold, staging, swaying hammock support or temporary platform.

Protective
floors.

SEC. 7. All contractors and owners when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof or where the floors or filling in between the floors are fireproof material or brickwork shall complete the flooring or filling in as the building progresses to not less than within three tiers or beams below and on which the ironwork is being erected. If the plans and specifications of such building do not require the filling in between the beams of the floors with brick or fireproof material, said contractor or owner shall lay in the underflooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories of the floor below the one to which said building has been erected and where double floors are not to be used, such owners or contractors shall keep planks over the floor to two stories of the floor below the story where the work is being performed, and if the floor beams are not of iron or steel, the contractor for the iron or steel work in the course of construction or the owner of such building shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of material to be used in the construction of such building.

Elevator
shafts.

SEC. 8. If elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting material, the contractor or owner shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by substantial barrier or railing at least four feet in height: *Provided*, Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground and where it is necessary to place such hoisting machines or engines on the same floor above the ground floor, such machines or engines must be properly and securely supported with a foundation capable of sustaining twice the weight of such machine or engine, and if the building in course of construction is five stories or more in height, no material needed for such construction, shall be hoisted or lifted over any public street or alley, unless, such street or alley shall be barricaded from use by the public or so covered as to prevent injury to pedestrians.

Signals.

SEC. 9. If elevating machines or hoisting apparatus, operated or controlled by other than hand power, be used in the construction,

alteration or removal of any building or other structures, a complete adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or subcontractor during the use and operation of such elevating machines or hoisting apparatus in order that prompt and perfect communication may be had at all times between the operator of the engine or motive power of such elevating machine and hoisting apparatus and the employees or persons engaged thereon or in using or operating the same, and the officers of any city charged with the enforcement of the building law are hereby charged with the enforcement of this provision of this act and in case of their failure so to do, the police authorities shall pursuant to the terms of this act enforce the provisions thereof.

SEC. 10. Any contractor, subcontractor, foreman or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, viaduct, bridge, or other construction within the provisions of this act violating any of the provisions hereof, upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars or imprisonment for not less than three months or more than two years or both fine and imprisonment in discretion of the court.

Violations.

Approved July 9, 1908.

ACT No. 271.—*Public works—Citizens to be preferred in employment.*

SECTION 1. Every contractor, superintendent or duly authorized agent engaged in the construction of any state or public building or public works for the State of Louisiana, in cities whose population exceeds ten thousand (10,000) shall employ only mechanics who are citizens of the State and who have paid their poll tax for the current or next preceding year prior to engaging in the work.

Employment agent of citizens.

Poll tax to be paid.

SEC. 2. In the event mechanics, where such works or buildings are being constructed, are not available, then such contractor, superintendent or duly authorized agent, shall notify the mayor of the city wherein the work is being done, of such fact, and unless the mayor of said city shall forthwith supply such contractor, superintendent or duly authorized agent with the mechanics needed, said contractor, superintendent or duly authorized agent shall be authorized to employ mechanics who are not citizens of the State of Louisiana, to make up the deficiency: *Provided*, That nothing herein shall be construed to prevent the State of Louisiana or any parochial or municipal corporation from placing or letting any contract for the erection or construction of any public building or public work, in the open market, and soliciting bids from persons or corporations without the State of Louisiana.

Where citizens are not available.

SEC. 3. Any contractor, superintendent or duly authorized agent violating any of the provisions of this act, shall be liable, after conviction before a court of competent jurisdiction, to a fine of not more than one hundred dollars (\$100) or imprisonment of not more than sixty (60) days, or both at the discretion of the court.

Violations.

Approved July 9, 1908.

ACT No. 297.—*Railway companies—Cars, etc., to be repaired within the State.*

SECTION 1. All railway or railroad corporations operating in the State of Louisiana, and having their repair shops within the State, as a condition precedent to exercising the right of eminent domain under the laws of the State of Louisiana, the railway or railroad corporations so operating within the State of Louisiana, shall and are hereby required to repair, renovate or rebuild in the State of Louisiana any and all defective or broken cars, coaches, locomotives or other equipment, owned or leased by said

Use of local shops.

corporations in the State of Louisiana, when such rolling stock is within the State of Louisiana: *Provided*, Such railway shall have or be under obligations to have proper facilities in the State to do such work: *And provided*, This act shall not be so construed as to require any railway company to violate the safety appliance law of Congress: *And provided further*, That no railway company shall be required to haul such disabled equipment a greater distance for repairs at a point in Louisiana than would be necessary to reach repair shops in another State.

Sending cars,
etc., outside
State.

SEC. 2. All railroad corporations operating in the State of Louisiana, and having their repair shops within the State, shall be prohibited from sending or removing any of their cars, coaches, locomotives or other equipment out of the State of Louisiana to be repaired, renovated or rebuilt, when the same is in a defective or broken condition and within the State.

Violations.

SEC. 3. Any corporation, lessee, receiver, superintendent or agent; who shall violate any of the provisions of this act, shall after conviction by a court of competent jurisdiction, be liable to a fine of not less than fifty dollars, or more than two hundred dollars, or be imprisoned for not more than three months or both at the discretion of the court.

Approved July 9, 1908.

ACT No. 301.—*Inspection of factories, etc.—Employment of women and children.*

Age limit.

SECTION 1. From and after the passage of this act it shall be unlawful for any person, agent, firm, company, copartnership, or corporation to require or permit or suffer or employ any child under the age of 14 years to labor or work in any mill, factory, mine, packing house, manufacturing establishment, workshop, laundry, millinery or dressmaking store or mercantile establishment in which more than five persons are employed, or in any theater, concert hall, or in or about any place of amusement where intoxicating liquors are made or sold, or in any bowling alley, bootblackening establishment, freight or passenger elevator, or in the transmission or distribution of messages, either telegraph or telephone, or any other messages, or merchandise, or in any other occupation not herein enumerated which may be deemed unhealthful or dangerous. The provisions of this section shall in no way be construed as applying to agricultural or domestic industries. Any violation of this provision shall be punishable by a fine of not less than \$25. or more than \$50 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days or more than six months, or both, in the discretion of the court.

Certificates.

SEC. 2. The state factory inspector or any factory inspector appointed by the mayor of the city of New Orleans with the consent of the council acting in conjunction with the board of health and school board in the parish shall have full power to issue an age certificate to minors over 14 years and under 16 years of age seeking employment in any part of this State: *Provided, however*, That no person authorized to issue an age certificate as hereafter provided shall have authority to approve such certificate for any child then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employee.

Records.

The person approving these age certificates shall have authority to administer the oath provided therein, but no fee shall be charged therefor. Every person issuing or approving these age certificates shall keep a record of the same, and shall forward to the office of the state factory inspector a duplicate of each certificate issued or approved. All such age certificates shall be subject to review by the state or other factory inspector, and may by him or her be canceled if he or she finds that such certificates have been obtained through fraud, misrepresentation or falsification of facts, and whoever shall obtain or assist in obtain-

ing such age certificates by fraud, misrepresentation or falsification of facts, is hereby declared to be guilty of a misdemeanor, and on conviction before a court of competent jurisdiction shall be fined not less than \$10 or more than \$50. In such cases the factory inspector shall give written notice to the employer, who shall at once cause the minor affected to be dismissed from employment. Printed forms of the age certificates hereinafter provided shall be furnished by the state factory inspector upon request made by persons authorized to issue them. An age certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such child, the register of birth of such child with an officer of a city or town designated to keep a register of births, or by the records of the public or parochial school attended by such child, that such child is of the age stated in the certificate, or by a certified copy of their passport from the commissioner of immigration: *Provided*, That in cases where the above proof is not obtainable, the parent, guardian or custodian of the child shall make an oath before the state factory inspector, or any factory inspector, or before a juvenile or district court as to the age of such child, and the state factory inspector, or any factory inspector, or the court, may issue to such child an age certificate as sworn to. A duplicate of such age certificate shall be filled out and shall be forwarded to the office of the state factory inspector. The age certificate shall be printed and shall be filled out, signed and held or surrendered in the following forms:

Evidence.

Forms.

AGE CERTIFICATES.

This certifies that I am (father, mother, guardian or custodian) of (name of minor) and that (he or she) was born at (name of town or city) in the (name of county if known) and (State or county of —) on the (date of birth and year of birth) and is now (number of years and months) old.

(Signature of parent, guardian or custodian.)

(City or town and date.)

There personally appeared before me the above-named (name of person signing) and made oath that the foregoing certificate by (him or her) signed, is true to the best of (his or her) knowledge. I hereby approve the foregoing certificate of (name of child), height, (feet and inches,) weight —, complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified.

OWNER OF CERTIFICATE. This certificate belongs to (name of child and in whose behalf it is drawn), and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time, it shall be returned to the office of the state factory inspector for cancellation.

(Signature of person authorized to approve and sign with official character of authority.)

(Town or city and date.)

Such certificate shall be issued without charge. The provisions of this section shall not become operative until 60 days after the promulgation of this act.

SEC. 3. It shall be the duty of the commissioner of labor and industrial statistics and his deputies, and such factory inspectors as will be appointed in incorporated cities and towns by the mayor, with the consent of the council, and in parishes, by the police jury, and they are hereby authorized and empowered to visit and inspect, at all reasonable times and as often as possible all places enumerated in section 1 of this act, and to file complaint in any court of competent jurisdiction to enforce the provisions of this act, and it shall be the duty of the parish or district attorney to appear and prosecute all complaints so filed.

Enforcement.

SEC. 4. No child or person under the age of 18 years, and no woman shall be employed in any of the places and industries ^{Hours of la-}bor.

enumerated in section 1 of this act for a longer period than ten hours per day of [or] 60 hours per week. There shall be one hour allowed each day for dinner, but such dinner time shall not be included as part of the working hours of the day. In case two-thirds of the employees so desire, time for dinner may be reduced at their request to not less than 30 minutes: *Provided*, That this shall not apply to persons working in stores and mercantile establishments on Saturday nights or 20 days before Christmas. Any violation of this provision shall be punishable by a fine of not less than \$25 or more than \$50, or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days or more than six months, or both, in the discretion of the court.

No boy under the age of 16 years and no girl under the age of 18 shall be employed at any work before the hour of 6 in the morning or after the hour of 7 at night: *Provided*, That this shall not apply to persons working in stores and mercantile establishments on Saturday nights or during 20 days before Christmas. Any violation of this provision shall be punishable by a fine of not less than \$25 nor more than \$100, or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than six months, or both, in the discretion of the court.

List of names. SEC. 6. Every person, firm or corporation, agent or manager of a corporation employing or permitting or suffering to work five or more children under the age of 18 years and over the age of 14 in all places of business or establishments or occupations enumerated in section 1 shall post and keep posted in a conspicuous place in every room in which such help is employed or permitted or suffered to work a list containing the names, age and place of residence of every person under the age of 18 years employed, permitted or suffered to work in such room, and it shall be unlawful for any person, agent, firm, company, copartnership, corporation or manager of a corporation to require or permit or suffer or employ in any mill, factory, mine or packing house, manufacturing establishment, workshop, store, laundry, millinery, dressmaking or mercantile establishment in which more than five persons are employed, or any theater, concert hall or in or about any place of amusement where intoxicating liquors are made or sold, or in any bowling alley or bootblacking establishment, or in any place where messages are transmitted or distributed, or in any other occupation not herein enumerated which may be deemed unhealthful or dangerous, any child over the age of 14 until an age certificate, approved as hereinabove provided, has been produced and placed on file in any such establishment or place of employment as heretofore mentioned in this section: *Provided, further, however*, That immediately upon the employment of any child in any of the places enumerated in this act the manager, superintendent, owner or agent shall notify in writing, the factory inspector of the employment of said child in the event proper age certificate is not filed, but such establishment or place of employment must procure from said child within five days from employment the age certificate provided for in this act. Any violation of this section shall be punishable by a fine of not less than \$25 nor more than \$50 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than six months, or both in the discretion of the court.

Certificates required.

False statements. SEC. 7. Any parent or guardian or person or persons having control of or being responsible for the care of any child or person under the age of 16 who shall sign or swear or in any manner make false statement as to the age of said child or person under the age of 16 for the purpose of obtaining employment for said child or young person shall be deemed guilty of an offense for each violation thereof and upon conviction for the same shall be punished by a fine of not less than \$10 nor more than \$25 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court.

SEC. 8. Any child working in or in connection with any of the aforesaid establishments or in the distribution or transmission of merchandise or messages who appears to the inspector to be under the legal age is required to procure from the city or parish physician a certificate as to the physical fitness of said child to perform the work or service he or she is required to do. Physician's certificate.

SEC. 9. The presence of any child under 14 years of age in any of the establishments enumerated in section 1, except during the dinner hour, shall constitute prima facie evidence of his or her employment therein. Presence of child.

SEC. 10. Any owner, manager, supervisor or employee in any of the aforesaid occupations who shall hide or assist to escape or give warning of the approach of the inspector to any child or young person or woman in said establishments shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$5 nor more than \$15 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court. Evading inspection.

SEC. 11. Any person, owner, agent, firm, manager, copartnership or company in charge of any establishment at the time of inspection shall be required to furnish the inspector a true statement of the number of persons employed in such establishment and any person, owner, agent, superintendent, firm, manager, company or copartnership who shall fail or refuse to furnish such statement or willfully understate the number of persons employed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100 for each offense or imprisonment for not less than ten nor more than thirty days in the parish jail (parish prison in New Orleans), or both, in the discretion of the court. Reports by employers.

SEC. 12. Within one month after the occupancy of any factory, workshop or mill or store or other aforesaid occupation or establishment where children, young persons or women are employed the occupant shall notify the inspector in writing of such occupancy. Failure to do this shall constitute a misdemeanor and shall be punishable by a fine of not less than \$10 nor more than \$25 or by imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court. Time allowance.

SEC. 13. Every person who shall employ any female in any factory, mill, warehouse, manufacturing establishment, workshop or store or any other occupation or establishment hereinabove mentioned shall provide suitable seats, chairs or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees and shall permit the use of such seats, chairs or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least one chair to every three females. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court. Seats for females.

SEC. 14. Every factory, mill, manufacturing establishment, workshop, warehouse, mercantile establishment or store and all other occupations and establishments hereinabove mentioned in which five or more young persons or women are employed and every such institution in which two or more children, young persons or women are employed shall be supplied with proper wash and dressing rooms and kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance and shall be provided, within reasonable access, with a sufficient number of proper water-closets or privies for the reasonable use of the persons employed and at least one of such closets shall be provided for each twenty-five persons employed and wherever two or more persons and one or more female person[s] are employed as aforesaid a sufficient number of separate and distinct water-closets, earth closets or privies shall be provided for the use of each sex and plainly Wash rooms, etc.

so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex, and said closets or privies shall not be locked during working hours. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court.

Stairways.

Doors to open outwardly.

SEC. 15. Stairways with substantial hand rails shall be provided in factories, mills and manufacturing establishments for the better safety of persons employed in said establishments. The doors of such establishments shall swing outwardly or slide, as ordered by the factory inspector and it shall be neither locked, bolted or fastened during working hours. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court.

Limewashing, etc.

SEC. 16. Every factory, mill or workshop in this State where women and children are employed shall be limewashed or painted when deemed necessary and ordered by the health authorities. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days or both, in the discretion of the court.

Cleaning moving machinery.

SEC. 17. No minor or woman shall be required to clean any part of the mill, gearing or machinery in any such establishment in this State while the same is in motion. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans), for not less than ten days nor more than thirty days, or both, in the discretion of the court.

Hatchways, etc.

SEC. 18. The opening of all hatchways, elevators and wellholes upon every floor of every manufacturing, mechanical or mercantile or public buildings where women or children are employed in this State shall be protected by good and sufficient trapdoors of self-closing hatches or safety catches or good strong guard rails at least three feet high. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans), for not less than ten days nor more than thirty days or both, in the discretion of the court.

Fans for dust producing, etc., machinery.

SEC. 19. In all establishments in this State wherein children, young persons or women are employed where any process is carried on by which dust, or smoke or lint is generated the inspector shall have the power and authority to order that a fan, or fans, or some other dust, or smoke or lint removing or consuming contrivance or contrivances be so placed as to prevent the inhalation of such dust or smoke or lint by the employees: *Provided*, That two mechanical engineers, one chosen by the inspector and the other by the owner or owners of the establishment, shall agree as to the necessity of such fan or fans or other dust or smoke or lint removing or consuming contrivance or contrivances. Upon the failure of said two mechanical engineers to agree, a third mechanical engineer shall be chosen to arbitrate. Failure to comply with this section shall be punishable by a fine of not less than \$25 nor more than \$50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than six months or both, in the discretion of the court.

Accidents to be reported.

SEC. 20. All accidents in manufacturing, mechanical or other establishments or places within this State where children, young persons or women are employed which prevent the injured person or persons from returning to work within two weeks after the injury or which result in death shall be reported semiannually by the person in charge of such establishment or place to the inspector. Failure to do this shall be deemed a violation of this section and punishable by a fine of not less than \$5 nor more than

\$10 or imprisonment in the parish jail (parish prison in New Orleans) for not less than twenty-four hours nor more than ten days, or both, in the discretion of the court.

SEC. 21. It shall be the duty of the city or town or parish employing an inspector or inspectors to provide a suitable office for same and pay for all necessary expenses incurred in the discharge of the duties of said office. Office for inspector.

SEC. 22. There shall be an annual report of inspections made and all work and expenses in connection with said office forwarded to the commissioner of labor and incorporated towns and cities to the mayor and council of the cities and towns employing said inspector or inspectors. Reports.

SEC. 23. In the city of New Orleans, with the consent of the council, [the mayor] shall appoint a factory inspector, who may be either male or female, to see that the regulations of this act are observed and also to prosecute all persons who shall violate the same. Such inspector shall be paid a salary of not more than \$750 per annum. New Orleans.

SEC. 24. All fines collected through this act shall be paid over to the school fund in the parish where the fines are collected. Use of fines.

Approved July 9, 1908.

MAINE.

ACTS OF 1909.

CHAPTER 13.—*Private employment agencies.*

SECTION 1. Section five of chapter eighty-four of the public laws of nineteen hundred and seven is hereby amended * * * so that said section as amended, shall read as follows:

Section 5. This act shall not apply to the employment of seamen, nor shall the provisions of sections two and three hereof apply to teachers' agencies. Exemptions.

Approved February 19, 1909.

CHAPTER 33.—*Liability of employers for injuries to employees—Waivers.*

SECTION 1. No person shall, by a special contract with his employees, exempt himself or another person from liability which he may be under to them for injuries suffered by them in his employment and resulting from the negligence of the employer or such other person, or of a person in his employ. Waivers prohibited.

Approved March 3, 1909.

CHAPTER 70.—*Employment of women and children—Hours of labor.*

[This is an amendment effecting the sole change in section 48, chapter 40, of the Revised Statutes, of reducing the hours of labor per week for women and children from sixty to fifty-eight]. Fifty - eight hours per week.

CHAPTER 180.—*Bureau of labor and industrial statistics—Inspection of factories and workshops.*

SECTION 1. The commissioner of the bureau of industrial and labor statistics shall, as often as it may seem necessary, transmit by mail to the owner, operator or manager of every manufacturing establishment in the State a schedule embodying inquiries as to Schedule of inquiry.

1. Name of person, partnership or corporation.
2. Kind of goods manufactured or business done.
3. Number of partners or stockholders.
4. Capital invested.

5. Principal stock or raw material used, and total value thereof.
6. Gross quantity and value of articles manufactured.
7. Average number of persons employed, distinguishing as to sex, adults and children.
8. Smallest number of persons employed, and in what month.
9. Largest number of persons employed, and in what month.
10. Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults and children.
11. Proportion that the business of the year bore to the greatest capacity for production of the establishment.
12. Number of weeks in operation during the year, partial time being reduced to full time.

Replies.

SEC. 2. The owner, operator or manager of every establishment which is engaged in manufacturing, who receives the foregoing schedule, shall answer the inquiries thereon for the time called for and return said schedule to said commissioner, with the answers therein certified as to their accuracy, on or before the first day of September following the receipt of said schedule. Abstracts of the information so collected, with proper and comparative analysis thereof, shall be included in the report of the bureau.

Names to be confidential.

SEC. 3. Except by special permission, the names of persons, partnerships or corporations who supply the information called for by the two preceding sections shall not be used in said reports, and the information obtained by circular or otherwise for the use of the bureau shall be confidential and not for the purpose of disclosing any person's affairs.

Accidents.

SEC. 4. The said commissioner shall investigate the causes of industrial accidents, the effect of such accidents upon the injured and their dependent relatives and upon the general public, and publish statistics thereon.

Resources of State.

SEC. 5. He shall collect, arrange, illustrate, publish and distribute in this and other States, authentic information in regard to the resources and attractions of Maine, showing the advantages the State has to offer to manufacturers, capitalists, summer residents, tourists, farmers, and those seeking employment as farm laborers.

He shall collect reliable information concerning the deposits of all valuable and useful minerals in the State, collect samples, and specimens of the same and arrange them so that they will represent an exhibit of the mineral and other valuable deposits of Maine.

Approved April 1, 1909.

CHAPTER 194.—*Fire escapes on factories, etc.*

SECTION 1. Section thirty-eight of chapter twenty-eight of the Revised Statutes is amended by striking out said section thirty-eight and by substituting in place thereof the following:

Egress in case of fire.

Section 38. * * * Every building in which any trade, manufacture or business is carried on, requiring the presence of workmen above the first story, * * * shall at all times be provided with proper egresses or other means of escape from fire sufficient for the use of all persons * * * employed * * * therein. These egresses and means of escape shall be kept unobstructed, in good repair and ready for use, the sufficiency thereof to be determined as provided in the following section.

Approved April 1, 1909.

CHAPTER 206.—*Protection of workmen as members of the national guard.*

Interference with employment.

SECTION 116. Any person who, either by himself or with another, willfully deprives a member of the national guard or naval reserve of his employment, or prevents his being employed by himself or

another, or obstructs or annoys said member of said national guard or naval reserve or his employer in respect of his trade, business, or employment, because said member of said national guard or naval reserve is such member, or dissuades any person from enlisting in the said national guard or naval reserve by threat of injury to him in case he shall so enlist, in respect of his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 117. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the national guard or naval reserve because of such membership, in respect of the eligibility of such member of the national guard or naval reserve to membership in such association or corporation, or in respect to his rights to retain said last mentioned membership; and any person who aids in enforcing any such provisions against a member of the said national guard or naval reserve with intent to discriminate against him because of such membership, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Discrimination.

Approved April 2, 1909.

CHAPTER 207.—*Labor organizations—Collective insurance.*

SECTION 1. Any life insurance company doing business on the industrial plan in this State may issue policies of life or endowment insurance, with or without annuity, with special rates of premiums, less than the usual rates of premiums, for such policies, to members of labor unions, lodges, beneficial societies or similar organizations, or employees of a single employer who, through their secretary or other officer or employer, may take out insurance in an aggregate of not less than one hundred members and pay their premiums through such officer or employer. Special premium rates allowed.

Approved April 2, 1909.

CHAPTER 215.—*Bureau of labor—Commissioner.*

SECTION 1. Section forty-two of chapter forty of the Revised Statutes is hereby amended * * * so that said section, as amended shall read as follows:

Section 42. He may take and preserve evidence, examine witnesses under oath, and administer the same, and in the discharge of his duty, he, or any authorized agent of the bureau, may enter any public institution of the State, and at reasonable hours, when open for business, any factory, workshop, mine or other place where labor may be employed. All state, county, city and town officers, are hereby directed to furnish to said commissioner upon his request, all statistical information in reference to labor and labor industries, which shall be in their possession as such officers. Powers of commissioner.

Approved April 2, 1909.

CHAPTER 228.—*Preference of resident laborers on public works, etc.*

SECTION 1. The State, counties, cities and towns, and every charitable or educational institution which is supported in whole or in part by aid granted by the State or by any municipality, shall in the awarding of contracts for constructing, altering, repairing, furnishing or equipping its buildings, or public works, give preference to workmen and to bidders for such contracts who are residents of this State, provided the bids submitted by such Resident laborers, etc., to be preferred.

resident bidders are equally favorable with bids submitted by contractors from without the State. * * *

Approved April 2, 1909.

CHAPTER 229.—*State board of arbitration and conciliation.*

- Board created.** SECTION 1. A state board of arbitration and conciliation is hereby created, the duties of which shall be to endeavor to settle disputes, strikes and lockouts between employers and employees.
- Governor to appoint.** SEC. 2. Within thirty days after this act shall become a law, the governor, with the advice and consent of the executive council, shall appoint three competent persons as members of such board, one of whom shall be an employer of labor or selected from some association representing employers of labor, one shall be an employee or an employee selected from some bona fide trade or labor union and not an employer of labor, and the third shall be appointed on the recommendation of the other two: *Provided*, That if the two appointed do not agree on the third man at the expiration of thirty days from their appointment, he shall be selected and appointed by the governor. One shall be designated to serve one year, one for two years and one for three years or until their successors are appointed and qualified; and thereafter appointments shall be made for three years, and if at any time a vacancy occurs it shall be filled for the unexpired term.
- Compensation, etc.** SEC. 3. The members of the board shall receive a compensation of three dollars per diem for the time actually employed and shall receive traveling and all other necessary expenses. Each member before entering upon the performance of his duties shall be sworn to the faithful performance thereof. The board shall from time to time make such rules of procedure as it deems necessary and shall annually, on or before the first day of December, make a report to the governor and council, which shall be incorporated in and printed with the annual report of the bureau of industrial and labor statistics. The board shall hold a meeting on the third Wednesday of September in each year and shall organize by choosing a chairman and secretary, both of whom shall be members of the board: *Provided*, The first meeting shall be held as soon as convenient after all the members have been appointed.
- Meetings.**
- Information to be furnished.** SEC. 4. If it appears to the mayor of a city or the selectmen of a town that a strike is seriously threatened or actually occurs, he or they shall at once notify the state board, and such notification may also be given by the employer or employees actually concerned in the strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as ten employees are directly concerned therein, the state board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade such employer and employees to submit the matter in controversy to a local board of conciliation and arbitration or to the state board. If the matter be submitted, the board to which it is submitted shall investigate such controversy and ascertain which party is mainly responsible or blameworthy for the existence of the same, and the board may make and publish a report finding such cause and assigning such responsibility or blame. The state board shall, upon request of the governor, investigate and report upon any controversy if in his opinion it threatens to affect the public welfare.
- Mediation.**
- Arbitration.**
- Investigations.** SEC. 5. In any controversy where not less than ten employees are directly concerned the board shall, upon application as hereinafter provided, and as soon as practicable visit the place where the controversy exists and make careful inquiry into its cause, and the board may, with the consent of the governor, conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both
- Decision.** to adjust said controversy, and make a written decision thereof,

which shall at once be made public, shall be open to public inspection, and shall be recorded by the secretary of the board; said decision shall for six months be binding on the parties who join in the application or until the expiration of sixty days after either party has given notice to the other in writing of his intention not to be bound thereby, such notice may be given to the employees by posting it in three conspicuous places in the shop, factory, yard, or other place where they work.

SEC. 6. Said application may be signed by the employer or by a majority of the employees in the department of the business in which the controversy exists or by their duly authorized agent or by both parties, and, if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized to do so. The application shall contain a statement of the matter in controversy and a promise to continue in business or at work without any strike or lockout until the decision of the board if made within three weeks after the date of filing the application. The secretary of the board shall forthwith after such filing cause public notice to be given of the time and place of the hearing on the application unless both parties join in the application and present therewith the written request that no public notice shall be given. If such request is made, notice shall be given to the parties in such a manner as the board shall order, and the board may give public notice notwithstanding such request.

Applications.

SEC. 7. The board may summon as witnesses any operative or any person who keeps the record of wages earned in the department of business in which the controversy exists and may require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned by the board shall be allowed the same fees as are paid to witnesses in the supreme judicial court, these fees together with all necessary expenses of the board shall be paid by the state treasurer from the fund provided by this act on warrants drawn by the governor and council.

Witnesses.

SEC. 8. The parties to any controversy described in section five may submit such controversy to a local board of arbitration and conciliation which may be either mutually agreed upon or may be composed of three persons, one of whom shall be designated by the employer, one by the employees or their duly authorized agent; the third, who shall be chairman, by the other two; such board shall have all the powers exercised by the state board, and its decision shall have the same effect as those of the state board. The decision of said board shall be rendered within ten days after the close of any hearing held by it and shall at once be filed by the clerk of the municipality where the controversy arose, and a copy thereof shall be filed with the secretary of the state board by the clerk of the said municipality. Each of said arbitrators shall be entitled to receive three dollars for each day of actual service to be paid by the state treasurer on a warrant drawn by the governor and council from the funds provided by this act.

Local boards.

Approved April 2, 1909.

CHAPTER 238.—*Employment of children—School attendance.*

SECTION 1. Section fifty-one of chapter fifteen of the Revised Statutes as amended by chapter forty-eight of the public laws of nineteen hundred and five, is hereby amended * * * so that said section when amended shall read as follows:

Section 51. * * * Truant officers, when so directed in writing by the superintendent of schools or the superintending school committee of their respective towns, may visit the manufacturing, mechanical, mercantile and other business establishments in their several cities and towns during the hours in which the public schools of such city or town are in session, and ascertain whether any minors under the age of fifteen years are employed therein, and shall report in writing any cases of such employment

Enforcement of law.

to the superintendent of schools or the superintending school committee of their city or town, and if employed therein contrary to the provisions of chapter forty, shall also report in writing such illegal employment to the inspector of factories, workshops, mines and quarries. The owner, superintendent, overseer or agent of all manufacturing, mechanical, mercantile or other business establishments, upon request, shall produce for the inspection of such truant officers, all certified copies of records of birth and baptism, passports and age and schooling certificates required to be kept on file in such establishments under chapter forty of the Revised Statutes. * * *

Approved April 2, 1909.

CHAPTER 257.—*Employment of children—Age limit.*

Repeal.

SECTION 1. Sections fifty-two, fifty-three and fifty-four of chapter forty of the Revised Statutes as amended by chapter forty-six of the public laws of nineteen hundred and seven are hereby repealed.

Age limit.

SEC. 2. Chapter forty of the Revised Statutes is hereby amended by inserting as section fifty-two the following:

Section 52. No child under fourteen years of age shall be employed or allowed to work in or in connection with any manufacturing or mechanical establishment. It shall be unlawful for any person, firm or corporation to employ for wages or hire any child under fourteen years of age in any manufacturing, mechanical, mercantile or other business establishment, or in any telephone or telegraph office; or in the delivery and transmission of telephone or telegraph messages during the hours that the public schools of the town or city in which he resides are in session. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employ any child in violation of the provisions of this section, and every parent or guardian who allows any child to be so employed shall be punished by a fine not less than one dollar nor exceeding fifty dollars for each offense.

Certificate.

SEC. 3. Chapter forty of the Revised Statutes is hereby amended by inserting as section fifty-three the following:

Section 53. No child over fourteen years of age and under sixteen years of age shall be employed or allowed to work in any manufacturing or mechanical establishment until he, or some one in his behalf, shall have produced and presented to the owner, superintendent, overseer or agent of such establishment, a certified copy of the town clerk's record of the birth of such child, or a certified copy of his baptismal record showing the date of his birth; or his passport showing the date of his birth; or an age and schooling certificate duly issued to him as hereinafter provided. No such child between his fourteenth and fifteenth birthdays shall be employed or allowed to work in any manufacturing, mechanical, mercantile or other business establishment, or in any telephone or telegraph office; or in the delivery and transmission of telephone or telegraph messages during the hours in which the public schools of the city or town in which he resides are in session, until he shall have produced and presented to the owner, superintendent, overseer or agent of such establishment an age and schooling certificate duly issued to him as hereinafter provided. No such child between his fifteenth and sixteenth birthdays shall be employed or allowed to work in any manufacturing or mechanical establishment during the hours in which the public schools of the city or town in which he resides are in session, until he shall have produced and presented to the owner, superintendent, overseer or agent of such establishment an age and schooling certificate duly issued to him as hereinafter provided. The employer shall keep on file such birth record, baptismal record, passport or age and schooling certificate in duplicate containing the name of such child, the name of his parents, guardian or custodian, and such

data as may be required by the inspector of factories, workshops, mines and quarries. Blank employment certificates, in form approved by the attorney-general, shall be furnished by the inspector of factories, workshops, mines and quarries. One of such certificates shall be delivered to such child and the other be immediately forwarded to the office of said inspector of factories, workshops, mines, and quarries, to be kept on file by him. When such child leaves such employment, the employer shall return to such child the copy of the town record, baptismal record, passport or age and schooling certificate furnished by him as aforesaid, and shall immediately notify said inspector that such child has left his employ. The inspector of factories, workshops, mines and quarries, or any of his assistants, may demand of any employer or corporation the names of all children under sixteen years of age in his employ in the several cities and towns of the State, and may require that the birth record, baptismal record, passport or age and schooling certificate of such children shall be produced for his inspection, and the failure to produce the same shall be prima facie evidence that the employment of such child is illegal. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employment any child in violation of the provisions of this section, and every parent or guardian who allows any child to be so employed shall be punished by a fine of not less than one nor more than fifty dollars for each offense.

Files.

Enforcement.

SEC. 4. Chapter forty of the Revised Statutes is hereby amended by inserting as section fifty-four the following:

Section 54. Age and schooling certificates shall be issued by the superintendent of schools of the city or town in which the child resides, or some person designated and authorized in writing by the school committee, but no person shall issue such certificate to any minor then in or about to enter his employment, or the employment of a firm or corporation of which he is a member, stockholder, officer or employee. The person who issues the certificate in accordance with the provisions of this section is hereby empowered to administer the oath provided for therein, but no fee shall be charged therefor.

Who issue certificates.

SEC. 5. Chapter forty of the Revised Statutes is hereby amended by inserting as section fifty-five the following:

Section 55. An age and schooling certificate shall not be issued until the child applying therefor, or some person in his behalf, shall furnish satisfactory evidence of the age of the child, which evidence shall be a certified copy of the town clerk's record of the birth of said child, or a certified copy of his baptismal record, showing the date of his birth, or a passport showing the date of his birth, or other document satisfactory to the superintendent of schools or the person authorized to issue such age and schooling certificates; nor until such child has demonstrated his ability to read at sight and write simple sentences in the English language, and perform simple arithmetical problems involving the fundamental processes of addition, subtraction, multiplication and division, such educational test to be prepared and furnished by the superintendent of schools or the school committee of each city and town in the State; or has furnished a certificate to that effect signed by any teacher in any of the public schools of the city or town in which such child resides, or by the principal of any approved private school, or a certificate signed by the principal of any evening school in said city or town, to the effect that said child is a regular attendant of said evening school.

Evidence.

Educational tests.

SEC. 6. Chapter forty of the Revised Statutes is hereby amended by inserting as section fifty-six the following:

Section 56. The form of the age and schooling certificate provided for in section fifty-three of this act shall be prepared and furnished to the superintendent of schools or the school committee

Form of certificate.

of the cities and towns by the attorney-general, and shall be substantially as follows:

AGE AND SCHOOLING CERTIFICATE, REVISED STATUTES, C. 40, SEC. 53.

This certifies that I am the, [father, mother, guardian or custodian,] of, [name of child], and that he was born at, [name of city or town], in the state, or county, of on the day of in the year and that at, his or her, last birthday he was years old.

(City or town and date.)

(Signature of parent, guardian or custodian.)

Then personally appeared before me the above named, [name of person signing], and having produced for my inspection the [record passport] of said child, made oath that the foregoing certificate by [him or her], signed is true to the best of [his or her], knowledge and belief. Having no sufficient reason to doubt that he is of the age therein certified, I hereby approve the foregoing certificate of [name of child]; whose signature, written in my presence, appears below; whose height is feet and inches; complexion is [fair or dark]; hair is [color]. I hereby certify that he has satisfactorily demonstrated, [his or her], ability to read at sight and to write legible simple sentences in the English language, and to employ the fundamental principles of arithmetic, according to the test supplied by the local superintendent of public schools; that he has presented us a certificate to that effect signed by the principal a teacher of some public school in said town, or that he has presented a certificate signed by the principal of an evening school in said town to the effect that he, said child is a regular attendant in said evening school.

This certificate belongs to, [name of child], and is to be surrendered to, [him or her], whenever he leaves the service of the employer holding the same, but if not claimed by said minor within thirty days from the time when he leaves such employment, it shall be returned to the superintendent of schools, or to the person by whom it is issued.

Signature of child.

(Signature of person authorized to issue and approve, with official character or authority.)

(City or town and date.)

Violations.

Whoever, being authorized to sign the foregoing age and schooling certificate, or who ever signing any certified copy of a town clerk's record of births, or certified copy of a child's baptismal record, shall knowingly certify to any false statement therein, and any parent or guardian who presents, or who permits or allows any child under his control to present, to any employer, owner, superintendent, overseer or agent as required under section fifty-three, any certified copy of birth or baptismal record, or passport, or age and schooling certificate containing any false statements as to the date of birth or age of such child, knowing them to be false, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

New numbering.

SEC. 7. Sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one and sixty-two of said chapter forty of the Revised Statutes are hereby renumbered respectively as sections fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three, so that said section fifty-seven shall hereafter be numbered section fifty-eight; said section fifty-eight shall hereafter be numbered section fifty-nine; said section fifty-nine shall hereafter be numbered section sixty; section sixty shall hereafter be numbered section sixty-one; section sixty-one shall hereafter be numbered section sixty-two; and section sixty-two shall hereafter be numbered section sixty-three; and said chapter forty is further amended by inserting as section fifty-seven the following:

Section 57. Nothing in the nine preceding sections shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon, to prevent decay thereof or damage thereto: *Provided, however,* The employment of children therein shall be under the supervision of said inspector who shall on complaint investigate the sanitary conditions, hours of labor and other conditions detrimental to children, and if in his judgment he finds detrimental conditions to exist, he may in conjunction with the municipal officers of the town or city in which the complaint is made, prohibit the employment of children therein until such conditions are removed.

Approved April 2, 1909.

CHAPTER 258.—*Liability of employers for injuries to employees.*

SECTION 1. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of: Injury caused by—

First, a defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or,

Second, that the negligence of a person in the service of the employer who was entrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer.

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine or train upon a railroad;

The employee or his legal representatives, shall subject to the provisions of the eight following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession of, a railroad corporation shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine or train within the meaning of said clause.

SEC. 2. If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury.

SEC. 3. If, as the result of the negligence of an employer himself, or of a person for whose negligence an employer is liable under the provisions of section one, an employee is instantly killed, or dies without conscious suffering, his widow or, if he leaves no widow, his next of kin, who, at the time of his death, were dependent upon his wages for support, shall have a right of action for damages against the employer.

Exemptions.

Proviso.

Defects;

Negligence of superintendent;

Person in charge of railroad signal, etc.

Status of employee.

Definitions.

Action for injury and death.

Action for death.

Degree of negligence considered.	SEC. 4. If, under the provisions of either of the two preceding sections, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.
Limit of damages for death.	The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed four thousand dollars.
For injury and death.	The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not exceed five thousand dollars for both the injury and the death, and shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled, under the provisions of section three, to bring an action for his death if it had been instantaneous or without conscious suffering.
Notice.	The amount of damages which may be awarded in an action brought under the provisions of section three shall not be less than five hundred nor more than five thousand dollars.
Limitation.	SEC. 5. No action for the recovery of damages for injury or death under the provisions of sections one to four, inclusive shall be maintained unless notice of the time, place or cause of the injury is given to the employer within sixty days and the action is commenced within one year after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured, or by a person in his behalf; but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies without having given the notice and without having been for ten days at any time after his injury of sufficient capacity to give it, his executor or administrator may give such notice within sixty days after his appointment. A notice given under the provisions of this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury, if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby.
Employees of contractors and subcontractors.	If a notice given under this section is claimed by the employer to be insufficient for any reason he shall so notify in writing the person giving it within ten days, stating the insufficiency claimed to exist, and thereupon the person whose duty is to give the notice may, within thirty days, give a new notice with the same effect as if originally given.
Employee can not recover, when.	SEC. 6. If any employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor, caused by any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer or are furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.
Exemptions.	SEC. 7. An employee or his legal representatives shall not be entitled under the provisions of sections one to four, inclusive, to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who was entrusted with general superintendence.
	SEC. 8. The provisions of the seven preceding sections shall not apply to injuries caused to domestic servants or farm laborers by

fellow-employees, or to those engaged in cutting, hauling or driving logs.

SEC. 9. Nothing in this act shall be construed to abridge any common law rights or remedies which the employee may have ^{Common-law rights.} against his employer, but a judgment recovered under the provisions of this act, or a settlement of any action commenced or claim made for death or injury, under the provisions of this act, shall be a bar to any claim made or action begun to recover for the same injury or the same death, under the provisions of the common law or under the provisions of any other statute.

Approved April 2, 1909.

MARYLAND.

ACTS OF 1908.

CHAPTER 724.—*Railroads—Crews for freight trains.*

(Page 71.)

SECTION 1. Article 23 of the Code of Public General Laws of Maryland of 1904, is hereby amended by adding thereto certain sections to follow section 300 of said article, to be known as sections 300k, 300l, 300m, 300n and 300p.

Section 300k. It shall be unlawful for any railroad company ^{Full crew re-} doing business in the State of Maryland or any receiver of such ^{quired.} railroad company to run or operate over its road or any part of its road, or suffer or permit to be run or operated over its road or any part of its road, any freight train consisting of thirty or more freight or other cars, exclusive of caboose and locomotive, with less than a full train crew, consisting of six persons, to wit: One engineer, one fireman, one conductor, one flagman and two brakemen.

Sec. 300l. Any such railroad company or any such receiver violating any of the provisions of sections [sic] 300k of this act shall be liable to a penalty of five hundred dollars for each and every such violation, to be recovered in a civil suit or suits to be brought by the attorney-general of the State of Maryland in the name of this State; and it shall be the duty of such attorney-general without further authorization to bring such suit or suits upon duly verified information being presented to or lodged with him of such violation having occurred, and the affidavits of at least two citizens of the State of Maryland that such violation has occurred shall be taken and deemed to be duly verified information for the purposes of this act.

Violations.

Sec. 300m. It shall be the duty of the attorney-general of the State of Maryland to enforce the provisions of sections 300k and 300l of this act, and all powers granted to the said attorney-general for the enforcement of any other act or acts are hereby granted to him for the purpose of the enforcement of said provisions of this act.

Enforcement.

Sec. 300n. Any employee of such railroad company or of any such receiver who may be killed or injured by any train which ^{Assumption} was run or operated contrary to the provisions of section 300k ^{of risks.} of this act, or who may be killed or injured as a result of any act of any person employed contrary to the provisions of section 300k of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such railroad company or of such receiver, after the unlawful running or operating of such train or the unlawful employment of such person has been brought to his knowledge; nor shall any such employee be held to have contributed to his death or injury in any case where such railroad company or such receiver shall have violated any of the provisions of section 300k of this act when such violation contributed to the deaths [sic] or injury of such

Contributory negligence.

employee, and all questions of negligence, or either or both, [sic] arising in cases brought under or by virtue of said section of this act shall be for the jury.

Construction. Sec. 300p. The invalidity of any portion of this act shall not affect the validity of any portion thereof which can be given effect without such invalid part.

Approved April 8, 1908.

CHAPTER 85.—*Employment of labor on public works—Baltimore.*

(Page 613.)

Eight hours a day's work. SECTION 1. The act of 1898, chapter 458, of the Code of Public Local Laws, relating to the hours of labor of mechanics and laborers upon city work, is hereby repealed and reenacted to read as follows:

Rates of wages. SECTION 2. Eight hours shall constitute a day's work for all laborers, workmen or mechanics, who may be employed by or on behalf of the mayor and city council of Baltimore, except in cases of extraordinary emergency, which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day, for the protection of property or human life: *Provided*, That in all such cases the laborer, workman or mechanic so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen and mechanics so employed by or on behalf of the mayor and city council of Baltimore; and laborers, workmen or mechanics employed by contractors or subcontractors in the execution of any contract or contracts within the city of Baltimore on any public work, shall be deemed to be employed by or on behalf of the mayor and city council of Baltimore.

Basis of contracts. Sec. 3. All contracts hereafter made by or on behalf of the mayor and city council of Baltimore with any person or persons or corporation, for the performance of any work with the city of Baltimore, shall be deemed and considered as made upon the basis of eight hours constituting a day's work, and it shall be unlawful for any such person or persons, or corporation to require or permit any laborer, workman or mechanic to work more than eight hours per calendar day in doing such work, except in the cases and upon the conditions provided in section 2 of this act.

Violations. Sec. 4. Any officer of the mayor and city council of Baltimore, or any person acting under or for such officer, or any contractor or subcontractor or other person acting for them, violating any of the provisions of this act, shall for each and every offense be fined not less than ten dollars nor more than fifty dollars * * * to be collected as other fines are collected by law.

Exemptions. Sec. 5. The provisions of this act shall not apply to the employees of the fire department, Bay View Asylum or the Baltimore City Jail.

Approved March 12, 1908.

MASSACHUSETTS.

ACTS OF 1908.

CHAPTER 273.—*Sunday labor.*

Occupations permitted. SECTION 1. Section three of chapter ninety-eight of the Revised Laws, as amended by chapter four hundred and fourteen of the acts of the year nineteen hundred and two, and by chapter one hundred and twenty-six of the acts of the year nineteen hundred and eight, is hereby further amended * * *

Approved March 25, 1908.

[Chapter 126 permits the digging of clams and the icing and dressing of fish on Sunday, and chapter 273 permits the performance on Sunday of unpaid work on yachts and pleasure boats.]

CHAPTER 325.—*Inspection of factories, etc.—Pure water for humidifying.*

SECTION 1. The water used for humidifying purposes by any person, firm or corporation operating a factory or workshop, shall be of such a degree of purity as not to give rise to any impure or foul odors, and shall be so used as not to be injurious to the health of persons employed in such factories or workshops. Water to be pure.

SEC. 2. Any person, firm or corporation violating any provision of this act shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one thousand dollars. Violations.

SEC. 3. The state inspectors of health shall, under the direction of the state board of health, enforce the provisions of this act. Enforcement.

Approved March 31, 1908.

CHAPTER 343.—*Sunday labor.*

SECTION 1. The provisions of section two of chapter ninety-eight of the Revised Laws, as amended by section two of chapter four hundred and sixty of the acts of the year nineteen hundred and four [prohibiting Sunday labor] shall not apply to the delivery of ice cream on the Lord's Day. Occupation permitted.

Approved April 3, 1908.

CHAPTER 375.—*Factory inspectors—Age of eligibility.*

SECTION 1. A person who is not above the age of fifty years, if otherwise qualified, shall be eligible for appointment as an inspector of factories and public buildings, as a member of the inspection department of the district police. Age of fifty years.

Approved April 8, 1908.

CHAPTER 389.—*Inspectors of factories, etc.—Powers and duties.*

SECTION 1 (as amended by chapter 354, Acts of 1909). The chief of the district police, the deputy chief of the inspection department of the district police, and the inspectors of factories and public buildings may, in the performance of their duty in enforcing the laws of the Commonwealth, enter any building, structure or inclosure, or any part thereof, and examine the methods of prevention of fire, means of exit, and means of protection against accident, and may make investigations as to the employment of children, young persons and women, except concerning health and the influence of occupation upon health. They may, except in the city of Boston, enter any public building, public or private institution, schoolhouse, church, theater, public hall, place of assemblage, or place of public resort, and make such investigations and order such structural or other changes, in said buildings, as are necessary relative to the construction, occupation, heating, ventilating and the sanitary condition and appliances of the same. Inspectors may enter factories, etc.

SEC. 2. Any person who hinders or prevents or attempts to prevent any member of the inspection department of the district police from entering any building, structure or inclosure or part thereof specified in the preceding section shall be liable to a penalty of not less than fifty nor more than one hundred dollars. Hindering inspectors.

SEC. 3. Trial justices, police, municipal and district courts shall have concurrent jurisdiction with the superior court to enforce the provisions of this act.

Approved April 11, 1908.

CHAPTER 487.—*Inspection of factories—Appeals from orders of inspectors.*

Appeals.

SECTION 1. Whoever is aggrieved by the order, requirement, or direction of an inspector of factories and public buildings may, within ten days after the service thereof, appeal to a judge of the superior court for the county in which the building to which such order, requirement or direction relates is situated, for an order forbidding its enforcement; and after such notice as said court shall order to all parties interested, a hearing may be had before said court at such early and convenient time and place as shall be fixed by said order; or the court may appoint three disinterested persons, skilled in the subject-matter of the controversy, to examine the matter and hear the parties; and the decision of said court, or the decision, in writing and under oath, of the majority of said experts, filed in the office of the clerk of courts in said county within ten days after such hearing may alter, annul or affirm such order, requirement or direction. Such decision or a certified copy thereof shall have the same authority, force and effect as the original order, requirement or direction of the inspector. If such decision annuls or alters such order, requirement or direction of the inspector, the court shall also order the said inspector not to enforce his order, requirement or direction, and in every case the certificate required by law shall thereupon be issued by said court or by said experts.

Experts to
be compensated.

SEC. 2. The court may award reasonable compensation to experts appointed under the provisions of the preceding section which, if the order, requirement or direction of the inspector is altered or annulled, shall be paid by the county in which the application for an order of the court was made; otherwise by the applicant. If the order, requirement or direction of the inspector is affirmed by the court or the experts, costs shall be taxed against the applicant for the order of the court, as in civil cases, and shall be paid into the treasury of the county in which the application for such order of the court was made.

Approved May 5, 1908.

CHAPTER 553.—*Liability of railroad companies for injuries to employees—Assumption of risk.*

Risk not assumed, when.

SECTION 1. Section one hundred and sixty-seven of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended * * * so as to read as follows: Section 167. An employee of a railroad corporation who is injured by any locomotive, car or train which is used contrary to the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-three, shall not be deemed to have assumed the risk of such injury, although he continues in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge. An employee of a railroad corporation who is injured by any locomotive, car or train by reason of the negligence of any other employee of the corporation shall not be deemed to have assumed the risk of such injury.

Approved May 28, 1908.

CHAPTER 563.—*Inspection of steam boilers.*

Rules.

[This chapter amends sections one and eighteen of chapter 465, Acts of 1907, relative to the inspection of steam boilers, by striking out of the last clause of each section the words "of construction," so that such clauses read "which does not conform to the rules formulated by the board of boiler rules," instead of "which does not conform to the rules of construction formulated by the board of boiler rules," as heretofore.]

CHAPTER 605.—*Assignments of wages.*

SECTION 7. No assignment of, or order for, wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against an employer of the person making said assignment or order until said assignment or order is accepted in writing by the employer, and said assignment or order, and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making said assignment or order resides, if a resident of the Commonwealth, or in which he is employed, if not a resident of the Commonwealth.

Employer to accept assignment.

Filing.

SEC. 8. No such assignment of, or order for, wages to be earned in the future shall be valid, when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

Wife to join.

Approved June 11, 1908.

ACTS OF 1909.

CHAPTER 348.—*Inspection of steam boilers—Locomotive engines.*

SECTION 1. Chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out section one hundred and seventy-three of Part II and inserting in place thereof the following: Section 173. The board of railroad commissioners may make and revise regulations for testing boilers of locomotives used by railroad corporations, by other corporations, and by persons, firms or associations upon any railroad or railway within the Commonwealth, and every person, firm, association and corporation other than a railroad corporation, so using a locomotive, shall inform said board in writing on or before June thirtieth of each year of the number of locomotives so used by him or it, together with the length of track of such railroad or railway, its location and uses, and such other information as the board may require. The provisions of this section shall apply to railroads for private use authorized by section two hundred and fifty-one of Part II of this act. Tests under regulations made as aforesaid shall, if possible, be made by the master mechanic of the corporation, association, person or firm which constructs, repairs or uses the boiler of the locomotive, and the report of such tests shall be in form satisfactory to the board. A corporation, association, firm or person using a locomotive in this Commonwealth the boiler of which has not been tested in accordance with the provisions of this section shall be punished by a fine of twenty dollars for every day after notice by the board during which such use continues.

Board may make rules.

Tests.

Approved May 3, 1909.

CHAPTER 363.—*Liability of employers for injuries to employees—Assumption of risk.*

SECTION 1. If a defect in the ways, works or machinery of a person, partnership or corporation has been reported to the person whose duty it is to remedy said defect, or cause it to be remedied, or to report its existence, and such defect is not remedied within a reasonable time, and by reason of said defect an employee is injured, such employees shall not be held to have assumed the risk of such injury.

Risk not assumed, when.

SEC. 2. This act shall take effect on the first day of January in the year nineteen hundred and ten.

Approved May 7, 1909.

CHAPTER 371.—*Bureau of statistics.*

SECTION 1. There shall be a bureau of statistics, the duties of which shall be to collect, assort, arrange, and publish statistical

Duties of bureau.

information relative to the commercial, industrial, social, educational, and sanitary condition of the people, the productive industries of the Commonwealth, and the financial affairs of the cities and towns; to establish and maintain free employment offices as provided for by chapter four hundred and thirty-five of the acts of the year nineteen hundred and six and amendments thereof; and to take the decennial census of the Commonwealth required by the constitution and present the results thereof in such manner as the general court may determine.

Director.

SEC. 2. Said bureau shall be in charge of a director who shall be appointed by the governor with the advice and consent of the council for a term of three years and until his successor is appointed and qualified. The director shall receive an annual salary of three thousand dollars. He shall appoint a chief clerk, who, in the absence of the director, shall act as his deputy and who shall receive an annual salary of two thousand dollars. The director may expend for clerical assistance, special agents, and contingent expenses, such amount as the general court may annually appropriate for these purposes. He may require the attendance of witnesses and the production of books and documents, and may examine witnesses under oath; and such witnesses shall be examined in the same manner and be paid the same fees as witnesses before the superior court.

Reports.

SEC. 3. The director of the bureau of statistics shall annually on or before the third Wednesday in January submit to the general court a statement summarizing the work of the bureau during the preceding year, and shall make therein such recommendations as he may deem proper. He shall also prepare annually for distribution as public documents, a report on the statistics of labor, which shall embody statistical and other information relating especially to labor affairs in the Commonwealth; a report on the statistics of manufactures, to be gathered as hereinafter more particularly provided for; a report on the financial statistics of the cities and towns of the Commonwealth, to be gathered as hereinafter more particularly provided for; and a report covering the work of the free employment offices. * * *

Bulletins.

The director may also publish, at such intervals as he deems expedient, bulletins or special reports relative to industrial or economic matters and municipal affairs. The several publications provided for in this section shall be paid for out of the sum annually appropriated by the general court for the contingent expenses of the bureau.

Schedules.

SEC. 4. The director of the said bureau is authorized to prepare a schedule or blank form for the collection of such data as may be, in his judgment, desirable for the proper presentation of statistics of manufactures and the promotion of the industrial welfare of the Commonwealth, and the said schedule, unless modified by the director, shall embody inquiries as to,—

- (1) Name of person, partnership or corporation.
- (2) Kind of goods manufactured or business done.
- (3) Number of partners or stockholders.
- (4) Capital invested.
- (5) Principal stock or raw material used, and total value thereof.
- (6) Gross quantity and value of articles manufactured.
- (7) Average number of persons employed, distinguishing as to sex, adults, and children.
- (8) Smallest number of persons employed, and in what month.
- (9) Largest number of persons employed, and in what month.
- (10) Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults, and children.
- (11) Proportion that the business of the year bore to the greatest capacity for production of the establishment.
- (12) Number of weeks in operation during the year, part time being reduced to full time.

The said schedule shall be sent by mail annually, on or before the fifteenth day of December, to the owner, operator, or manager

of every manufacturing establishment in the Commonwealth, and such owner, operator, or manager, or any other person to whom the schedule or blank form is sent shall answer the inquiries thereon and return the same to the bureau properly certified as to its accuracy, not later than the following twentieth day of January: *Provided, however,* That the director may, in his discretion, extend the time for returning the schedule beyond said twentieth day of January. The director is authorized to suspend the operation of this section in years when the United States takes a census of manufactures in Massachusetts, to such degree as may be necessary in order to facilitate cooperation between said bureau and the federal census authorities in the collection and compilation of the statistics of Massachusetts manufactures in such census years, and the avoidance of needless duplication of labor and expense.

SEC. 5. The information authorized to be collected by the preceding section shall not be used by said bureau either by publication or in any other manner, so as to disclose the private affairs of any person, partnership or corporation, and the bureau shall hold all such information to be strictly confidential with respect to persons, partnerships, or corporations. Any official, agent, or employee of said bureau who violates this provision shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year; but this section shall not be construed as prohibiting said bureau from tabulating and publishing such information relative to manufacturing corporations as may be required by law to be filed with other state departments.

Names, etc.,
not to be disclosed.

SEC. 10. Chapter one hundred and seven of the Revised Laws * * * [and amendments thereto] are hereby repealed. Repeal.

Approved May 10, 1909.

CHAPTER 393.—*Inspection of steam boilers.*

SECTION 1. Section one of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, as amended by section one of chapter five hundred and sixty-three of the acts of the year nineteen hundred and eight, is hereby further amended * * * so as to read as follows:

Section 1. All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horsepower, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter provided; and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board. All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. A boiler in this Commonwealth at the time of the passage of this act, which does not conform to the rules of construction formulated by the board of boiler rules may be installed after a thorough internal and external inspection and hydrostatic pressure test by a member of the boiler inspection department of the district police, or by an inspector holding a certificate of competency as an inspector of steam boilers, as provided by section six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, and employed by the company insuring the boiler. The pressure allowed on such boilers

What boilers
to be inspected.

Boilers not
conforming to
standard.

is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules formulated by the board of boiler rules.

Meetings.

SEC. 2. Section twenty-six of said chapter four hundred and sixty-five is hereby amended by adding at the end thereof the words: The board of boiler rules shall hold public hearings on the first Thursday in May and November of each year, and at such other times as the board may determine, on petitions for changes in the rules formulated by said board. If the board, after any such hearing, shall deem it advisable to make changes in said rules, it shall appoint a day for a further hearing, and shall give notice thereof and of the changes proposed by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If the board on its own initiative contemplates changes in said rules, like notice and a hearing shall be given and held before the adoption thereof. Changes made in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor: *Provided, however,* That the board may, upon request, permit the application of such change in, or additions to, rules, to boilers manufactured or installed during said six months. When a person desires to manufacture a special type of boiler the design of which is not covered by the rules formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, which, if it approves, shall permit the construction of the same.

Steam fire engines.

SEC. 3. Section twenty-eight of said chapter four hundred and sixty-five is hereby amended by adding at the end thereof the words: The provisions of this act relative to the inspection and operation of boilers within the Commonwealth shall not be held to apply to steam fire engines brought into the Commonwealth for temporary use in times of emergency, for the purpose of checking conflagrations.

Approved May 14, 1909.

CHAPTER 420.—*Sunday labor—Special permits.*

Who may grant permits.

SECTION 1. The police commissioner of the city of Boston, or any member of the police department having a rank not lower than that of captain and designated by said commissioner, or the chief of police of any other city or of any town, upon such terms and conditions as he deems reasonable may issue a permit for the performance on the Lord's Day of necessary work or labor which, in his judgment, could not be performed on any other day without serious suffering, loss, damage, or public inconvenience. Such permit shall cover not more than one day and shall be issued not more than six days prior to the day for which it is issued.

SEC. 2. The provisions of section two of chapter ninety-eight of the Revised Laws shall not apply to any person working under, and complying with, the provisions of a permit granted as aforesaid.

Approved May 21, 1909.

CHAPTER 514.—*Labor law.*

[This law is mainly a revision and consolidation of previous enactments, chapter 106 of the Revised Laws forming the basis. The corresponding sections of this and other statutes are indicated in their order in the present law, sections involving material changes being reproduced in full.]

Free public employment offices.

SECTION 1. There shall be established and maintained, under the care and direction of the director of the bureau of statistics, in such cities as may be selected after proper investigation by said director, and with the approval of the governor and council, employment offices for the purpose of bringing together those who seek employment and those who desire to employ.

Offices es-
tablished.

SEC. 2. The director of said bureau shall appoint for each of the offices provided for in the preceding section a superintendent who shall, under the direction of said director, perform the duties hereinafter set forth or such as he may require. The director may also appoint an assistant superintendent and such clerks as he may deem necessary for the proper conduct of the business of said employment offices. The furniture and fixtures of said employment offices shall be provided by the sergeant-at-arms in the manner and under the restrictions specified in section four of chapter ten of the Revised Laws for buildings or parts of buildings leased to the Commonwealth. The location of each office established under the provisions of this act shall be plainly indicated by a proper sign or signs.

Superintend-
ents.

SEC. 3. The superintendents of said employment offices shall receive applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the director of said bureau, and shall take such other action as the director may deem best to promote the purposes of said offices.

Duties.

SEC. 4. No fees, direct or indirect, shall in any case be taken from those seeking the benefits of said employment offices. Any superintendent or clerk who directly or indirectly charges or receives any fee in the performance of his duties shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for a term not exceeding thirty days, and shall be disqualified from holding further connection with said office.

No fees to
be charged.

SEC. 5. In registering applications for employment and for employees wanted, preference shall be given to residents of the Commonwealth.

Residents to
be preferred.

SEC. 6. Each superintendent shall make to the director of said bureau such reports of applications for labor or employment and of other details of the work of his office as the director may require. The director shall cause reports showing the business of the several offices to be prepared at regular intervals and to be exchanged among the said offices, and shall supply them to the newspapers and to citizens upon request; and the several superintendents shall cause such reports to be posted in a conspicuous place in their offices so that they may be open to public inspection.

Reports.

SEC. 7. There shall be allowed and paid out of the treasury of the Commonwealth, upon the approval of the director of the bureau, for salaries and for contingent expenses in connection with the establishment and maintenance of free employment offices as herein provided for, such sum as the general court may annually appropriate therefor. The annual salary of the superintendents and of such clerk as may be appointed in each office to act as chief clerk or assistant superintendent shall be fixed by the director of said bureau subject to the approval of the governor and council.

Expenses.

SEC. 8. The director of the bureau of statistics is hereby authorized to furnish weekly to the clerks of all cities and towns in the Commonwealth printed bulletins showing the demand for employment, classified by occupations to such extent as may be practicable and indicating the city or town in which the employees are wanted. Such information shall be based upon the applications for employees made at the free employment offices under the jurisdiction of said bureau.

Bulletins.

Lists to be posted. SEC. 9. Every city and town clerk shall post the lists received as aforesaid in one or more conspicuous places in the city or town. A city or town clerk who fails to comply with the provisions of this section shall be punished by a fine not exceeding ten dollars.

Boards of conciliation and arbitration.

SECTIONS 10 to 16. [Same as sections 1 to 7 of R. L., chapter 106, as amended by chapter 399 and chapter 313, Acts of 1904.]

General provisions.

Definitions of terms used. SECTION 17. The following words and phrases as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings:

"Bleaching works" shall mean any premises in which the process of bleaching yarn or cloth of any material is carried on.

"Child" or "minor" shall mean a person under eighteen years of age.

"Dyeing works" shall mean any premises in which the process of dyeing yarn or cloth of any material is carried on.

"Factory" shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

"Glass works" shall mean any premises in which the manufacture of glass is carried on.

"Iron works" shall mean a mill, forge or other premises in or upon which any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel.

"Letterpress establishments" shall mean any premises in which the process of letterpress printing is carried on.

"Manufacturing establishments" shall mean any premises, room or place used for the purpose of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article.

"Mechanical establishments" shall mean any premises, other than a factory as above defined, in which machinery is employed in connection with any work or process carried on therein.

"Mercantile establishments" shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the purposes of a restaurant or for publicly providing and serving meals.

"Paper mills" shall mean any premises in which the manufacture of paper is carried on.

"Person" shall mean an individual, corporation, partnership, company or association.

"Print works" shall mean any premises in which is carried on the process of printing figures, patterns or designs upon cotton, linen, woolen, worsted or silken yarn or cloth, or upon any woven or felted fabric which is not paper.

"Public building" shall mean any building or premises used as a public or private institution, church, theater, public hall, place of public entertainment, resort or assemblage.

"Schoolhouse" shall mean any building or premises in which public or private instruction is afforded to not less than ten pupils at one time.

"Woman" shall mean a woman eighteen years of age or over.

"Workshop" shall mean any premises, room or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the

exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

"Young person" shall mean a person of the age of fourteen years and under the age of eighteen years.

Secs. 18 to 20. [Same as sections 11 to 13 of R. L., chapter 106.]

Sec. 21. [Same as section 14 of R. L., chapter 106, as amended by chapter 311, Acts of 1904.]

Sec. 22. A person to whom a debt is due for labor which has been performed in constructing a building, sewer or drain, or water works or other public works, owned by a city or town, under a contract with any person having authority from or rightfully acting for such city or town in furnishing such labor, shall have a right of action against such city or town to recover such debt if, within thirty days after he ceases to perform such labor, he files in the clerk's office of the city or town against which he claims such a right of action a written statement, under oath, of the amount of the debt so due to him, and the names of the persons for whom and by whose employment the labor was performed, and if, within sixty days after he ceases to perform such labor, he commences such action. Such right of action shall not be lost by reason of a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest. No person who has contracted to furnish labor other than his own in such construction shall have such right of action.

Sec. 24. [Same as section 15 of R. L., chapter 106.]

Sec. 25. [Combines sections 1 and 3 of chapter 320, Acts of 1903.]

Sec. 26. The offices of probation officer, notary public and justice of the peace, prison officer, agent of the prison commissioners and agent of the state board of charity shall not be considered public offices within the meaning of the preceding section.

Sec. 27. Whoever knowingly causes to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment.

Secs. 28, 29. [Same as sections 1 and 2, chapter 343, Acts of 1904.]

Sec. 30. Trade unions and other associations of wage-workers whose principal objects are to deal with the relation between employers and employees relative to wages, hours of labor and other conditions of employment shall not be subject to the provisions of chapters one hundred and nineteen and one hundred and twenty of the Revised Laws and chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven or of such other provisions of law as relate to insurance companies or associations.

Secs. 31, 32. [Same as sections 1 and 2, chapter 335, Acts of 1904.]

Sec. 33. [Same as section 9 of R. L., chapter 106.]

Secs. 34, 35. [Same as sections 11 and 12 of R. L., chapter 108.]

Sec. 36. Whoever violates a provision of this act for which no specific penalty is provided shall be punished by a fine of not more than one hundred dollars.

Hours of labor.

SECTIONS 37 to 40. [Same as sections 1 to 4, chapter 517, Acts of 1906, as amended by chapters 269 and 570, Acts of 1907, with changes to adapt the provisions of these sections to the new numbering of the law, section 20 of R. L., chapter 106, becoming section 42 of the present law.]

Exemptions. SEC. 41. The provisions of the four preceding sections shall not apply to or affect contractors or subcontractors for work, contracts for which were entered into prior to the twenty-second day of June in the year nineteen hundred and six.

Acceptance by cities and towns. SEC. 42. In a city or town which, by a vote taken by ballot at an annual election, accepts the provisions of this section, or, subsequently to the twenty-eighth day of June in the year nineteen hundred and seven, accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, eight hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by such city or town. If a petition for such vote, signed by one hundred or more registered voters of a city, or twenty-five or more registered voters of a town, is filed with the city or town clerk, respectively, thirty days or more before an annual election such vote shall be taken at such election.

Nine-hour day. SEC. 43. In a city or town, which has not accepted the provisions of sections thirty-seven or forty-two, nine hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by or on behalf of such city or town.

Hours for fire department. SEC. 44. Any city may by ordinance and any town may by by-law establish the hours of labor of the members of its fire department.

SEC. 45. [Combines sections 5 and 447 of chapter 560, Acts of 1907.]

SEC. 46. [Same as section 95 of chapter 463, Part III, Acts of 1906.]

Employment of women and children.

SECTION 47. [Same as section 23 of R. L., chapter 106, amended by chapter 397, Acts of 1904.]

In manufacturing and mechanical establishments. SEC. 48. No child and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and, in no case, shall the hours of labor exceed fifty-eight in a week; and if any child or woman shall be employed in more than one manufacturing or mechanical establishment, the total number of hours so employed shall not exceed fifty-eight in any one week. From and after the first day of January in the year nineteen hundred and ten, no child and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-six in a week, except that in any such establishment where the employment is by seasons, the number of such hours in any week may exceed fifty-six, but not fifty-eight, if the total number of such hours in any year shall not exceed an average of fifty-six hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections sixty-seven and sixty-eight of this act, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney-general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon

which he or she was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

SEC. 49. A parent or guardian who permits a minor under his control to be employed in violation of either of the two preceding sections, and any person who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of the provisions of either of said sections, or fails to post the notice required by either of the preceding sections, or makes a false report of the stopping of machinery under the provisions of the preceding section, shall be punished by a fine of not less than fifty nor more than one hundred dollars. A certificate of the age of a minor made and sworn to by him and by his parent or guardian at the time of his employment in a mercantile, manufacturing or mechanical establishment shall be prima facie evidence of his age in any prosecution under the provisions of this section. Violations by parents.

Weekly day of rest.

SECTION 52. [Combines sections 1 to 3 of chapter 577, Acts of 1907.]

Employment of women and children.

SECTION 56. No child under the age of fourteen years, and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the four following sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, workshop or mercantile establishment. The ability to read at sight and to write legibly simple sentences in the English language shall be construed as meaning such ability to read and write as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives. No child under the age of fourteen years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before six o'clock in the morning or after seven o'clock in the evening. But minors to whom the provisions of this section apply shall be permitted to work on Saturdays between the hours of six in the morning and seven in the evening in mercantile establishments. Age limit of children.

Sec. 57. [Same as section 29 of R. L., chapter 106, adding the provision of chapter 234, Acts of 1906, that the educational test required is such as is necessary for admission to the fourth grade of a public school of the city or town in which the child lives.]

Sec. 58. [Same as section 30 of R. L., chapter 106, with the added requirement that no person shall approve an employment certificate unless he is satisfied that the person named therein is able to read at sight and to write legibly simple sentences in the English language.]

Sec. 59. [Same as section 31 of R. L., chapter 106, as amended by chapter 224, Acts of 1907.]

Sec. 60. [Same as section 32 of R. L., chapter 106, except that the certificate omits from the main body thereof provision for minors not able to read and write.]

Sec. 61. [Same as section 1, chapter 499, Acts of 1906.]

Sec. 62. [Combines section 34 of R. L., chapter 106, and section 2 of chapter 499, Acts of 1906.]

Secs. 63 to 65. [Same as sections 3 to 5 of chapter 499, Acts of 1906.]

Sec. 66. [Same as section 35 of R. L., chapter 106, as amended by chapter 183, Acts of 1902.]

Employment during school time.

Night work.

Children
operating ele-
vators.

SECS. 67 to 73. [Same as sections 36 to 42 of R. L., chapter 106.]
SEC. 74. No elevator for the carriage of freight or passengers shall be operated by or placed in charge of any person under sixteen years of age, and all elevators for the carriage of freight or passengers running at a speed of more than one hundred feet a minute shall be operated by competent persons not less than eighteen years of age and no other person shall operate or have the care or charge of such an elevator. Any person, firm or corporation violating any provision of this section by operating or causing an elevator to be operated or to be taken care or charge of in any manner contrary to its provisions shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

SECS. 75 to 77. [Same as sections 44 to 46 of R. L., chapter 106.]

Inspection of factories and workshops.

SECTION 78. [Combines sections 1 and 2 of chapter 322, Acts of 1902, with the added provision of enforcement by state inspectors of health in conjunction with the other officers named.]

SECS. 79 to 83. [Same as sections 48 to 51 of R. L., chapter 106.]

SECS. 84, 85. [Same as sections 52 and 53 of R. L., chapter 106, except for the substitution of the words "state inspector of health" for the words "inspector of factories and public buildings."]

SECS. 86 to 90. [Same as sections 1 to 6 of chapter 475, Acts of 1902, except that enforcement is committed to the state inspector of health instead of to the district police and factory inspectors.]

SECS. 91 to 93. [Same as sections 38 to 40 of R. L., chapter 104.]

SEC. 94. [Same as section 41 of R. L., chapter 104, as amended by chapter 503, Acts of 1907, except for the omission of the requirement of suitable receptacles for expectoration (provided for in section 103).]

SECS. 95 to 100. [Same as sections 42 to 47 of R. L., chapter 104.]

SEC. 101. [Combines sections 1 to 3 of chapter 347, Acts of 1904.]

SEC. 102. [Combines sections 1, and 2 of chapter 250, Acts of 1906.]

Cuspidors.

SEC. 103. Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated.

SEC. 104. [Combines sections 1 and 2 of chapter 164, Acts of 1907.]

SEC. 106. [Same as section 56 of R. L., chapter 106, as amended by chapter 238, Acts of 1905, except that the state board of health is charged with the inspection and licensing of tenements used as sweat shops instead of the inspector of factories and the district police.]

SECS. 107 to 111. [Same as sections 57 to 61 of R. L., chapter 106.]

Payment of wages.

SECTION 112. [Same as section 62 of R. L., chapter 106, as amended by chapter 193, Acts of 1907.]

SECS. 113, 114. [Same as sections 63 and 64 of R. L., chapter 106.]

SECS. 115, 116. [Same as sections 65 and 66 of R. L., chapter 106, as amended by chapter 304, Acts of 1905.]

SECS. 117 to 119. [Same as sections 67 to 69 of R. L., chapter 106.]

SEC. 120. [Same as section 10, R. L., chapter 106.]

SECS. 121 to 124. [Same as sections 1 to 4 of chapter 390, Acts of 1906.]

SEC. 125. No assignment of future wages shall be valid against a trustee process, unless before service of the writ upon the alleged trustee, the assignment shall have been recorded in the office of the clerk of the city or town in which the assignor resides at the time of such record. Such record shall not affect the rights or liability of the person or corporation from whom such earnings are due otherwise than is provided in this section. Assignments to be recorded, when.

SEC. 126. [Same as section 5 of chapter 390, Acts of 1906.]

Liability of employers for injuries to employees.

SECTION 127. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care by reason of: Injuries caused by—

First, A defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or, Defects in works and way;

Second, The negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or, Negligence of superintendent;

Third, The negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, elevated train or train upon a railroad or elevated railway; Person in charge of railroad signal, etc.

The employee, or his legal representatives, shall, subject to the provisions of the nine following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer. Rights of injured employees.

A car which is in use by, or which is in possession of, a railroad corporation, or an elevated car which is in use by or which is in possession of an elevated railway corporation, shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, elevated train or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, elevated train or train within the meaning of said clause.

SECS. 128, 129. [Same as section 72 (as amended by chapter 370, Acts of 1906) and section 73 of R. L., chapter 106.]

SEC. 130. If an action is brought under the provisions of the preceding section by the widow of the employee, or by the next of kin, who may have such right of action, or if the action is brought under the provisions of section one hundred and twenty-seven by the legal representatives, such action shall not fail by reason of the fact that it should have been brought under the other section, but may be so amended as to provide against such failure at any time prior to final judgment. Actions may be amended.

SEC. 131. [Same as section 74 of R. L., chapter 106.]

SEC. 132. [Same as section 75 of R. L., chapter 106, except that the last sentence thereof is omitted.]

SECS. 133, 134. [Same as sections 76 and 77 of R. L., chapter 106.]

SEC. 135. [Same as section 78 of R. L., chapter 106, with the inclusion of a reference to railway relief societies formed under the provision of sections 46, 47, and 48 of Part I, chapter 462, Acts of 1906.]

Compensation for injuries.

SEC. 136. An employer of labor may submit to the state board of conciliation and arbitration a plan of compensation for employees in his employ, providing for payments to them in the event of injury in the course of their employment, based upon a certain percentage of their average earnings, and without reference to legal liability under the common law of the employers' liability act. After examination of such plan of compensation, and a public hearing thereon after public notice thereof, said board may, if it considers the plan fair and just to the employee, give its approval thereof by its certificate attached thereto; and, thereafter, the employer may enter into a contract with his employees by which they shall release him from liability in case of injury in the course of said employment and accept in lieu thereof the compensation provided in said plan.

Minor employees.

SEC. 137. Either parent or the guardian of any minor employee may agree to said plan of compensation in behalf of the minor. Such agreement shall be in writing signed by the employee, or, in the case of a minor employee, by either parent or the guardian, in the presence of two witnesses, of whom one shall be an employee at the time of such signature.

Waivers by employees.

SEC. 138. No employer shall require as a condition of employment that any employee shall assent to any plan of compensation or in any way waive his legal right to recover damages for an injury outside the provisions of such plan, and no contract under such plan of compensation shall be binding for more than one year from the date thereof.

Submission by employees of plans of compensation.

SEC. 139. The employees of any employer of labor, numbering at least ten per cent of those regularly employed during the preceding year, may submit to the state board of conciliation and arbitration a plan of compensation such as is described in section one hundred and thirty-six of this act. Such plan shall be referred to the employer, and in case no agreement between the employer and employees is reached within thirty days and reported to said board, then after examination of the said plan of compensation, and a public hearing thereon after public notice thereof, the board of conciliation and arbitration may, if it considers the same fair and just to the employer and employees, recommend to the employer the adoption of the same. Upon notice of acceptance of the plan duly filed by the employer the plan shall be deemed to be in force precisely as if it had been submitted and approved under the provisions of the preceding sections of this act.

Contracts of exemption forbidden.

SEC. 140. Except as provided in the four preceding sections, no person shall, by a special contract with his employees, exempt himself from liability which he may be under to them for injuries suffered by them in their employment and resulting from the negligence of the employer or of a person in his employ.

Inspection of place of accident.

SEC. 141. A justice of the superior court may, upon petition setting forth in ordinary language that the servant or employee of a certain firm, person, corporation or association has been injured in the course of his employment, through some defect in the ways, works or machinery owned or used by the employer, and that it is necessary in order to protect the interests of the injured person that an examination should be made of the ways, works or machinery through whose defect the injury occurred, and after such notice to the employer as any justice of said court may direct or approve, and a hearing, grant an order directing the employer or person in control of such ways, works or machinery to permit the person named in said order to make such examination, under such conditions as shall be set forth in the order.

Exemptions.

SEC. 142. The provisions of the fourteen preceding sections shall not apply to injuries caused to domestic servants or farm laborers by fellow-employees.

Use of defective equipment on railroads.

SEC. 143. An employee of a railroad corporation who is injured by any locomotive, car or train which is used contrary to the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and

sixty-three of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, shall not be deemed to have assumed the risk of such injury, although he continues in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge. An employee of a railroad corporation who is injured by any locomotive, car or train by reason of the negligence of any other employee of the corporation shall not be deemed to have assumed the risk of such injury.

Assumption
of risk.

Sec. 144. [Same as section 17 of R. L., chapter 106.]

Sec. 146. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been wholly or partially revised and reenacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, or any action, suit or proceeding pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the laws repealed, but the proceedings shall, when necessary, conform to the provisions of this act. Any provision of this act by which a punishment, penalty or forfeiture is mitigated may be extended and applied to any judgment pronounced after said repeal.

Effect of re-
peal.
Construction
of law.

Approved June 18, 1909.

CHAPTER 536.—*Examination and licensing of plumbers.*

SECTION 1. Within thirty days after the passage of this act, the state board of health shall appoint three examiners of plumbers. The first shall be a practical plumber of at least five years' continuous practical experience. The second shall be a sanitary expert, and the third shall have such qualifications as may be required by the state board of health. The three persons so appointed shall be known as the state examiners of plumbers, and their terms of office shall be as follows: the first examiner shall be appointed for a term of three years; the second examiner for a term of two years; the third examiner for a term of one year; and all subsequent appointments, except the filling of vacancies shall be for terms of three years each. Appointments to fill vacancies shall be for the unexpired terms. The first examiner shall act as clerk. The compensation of the first examiner shall be two thousand dollars per annum, or such other sum as may be fixed by the state board of health, subject to the approval of the governor and council. The compensation of each of the other examiners shall not exceed five dollars a day for every day of actual service, nor more than three hundred and fifty dollars in any one year. The compensation of the state examiners of plumbers, together with the traveling and other necessary expenses of the clerk shall, when approved by the chairman of the state board of health and by the governor and council, be paid from the treasury of the Commonwealth.

Board of ex-
aminers.

Sec. 2. The state examiners of plumbers may make such rules as they deem necessary for the proper performance of their duties, which rules shall take effect when approved by the state board of health. They shall examine, in the manner prescribed by section four of chapter one hundred and three of the Revised Laws, all persons desiring to engage in the business of plumbing as master plumbers, or to work at the business of plumbing as journeymen plumbers. They shall hold frequent examinations in the city of Boston. They shall also, twice in each year, hold examinations at five other convenient points within the Commonwealth. Public notice shall be given of all examinations. Application for examination shall be made in the handwriting of the

Duties of
board.

Licenses.

applicant, and he shall be notified by the state examiners of plumbers as to the time and place of examination. The state examiners of plumbers may, without the payment of any fee therefor, issue a probationary license, good for a term of six months, to one who, having worked either as an apprentice, or under a verbal agreement for instruction, for not less than three years, presents an application therefor, bearing a written indorsement signed by his employer in which the employer agrees to be responsible for all work done under the license and to have the apprentice present himself for examination as a journeyman plumber at the expiration of the term for which the license was issued.

Lists to be furnished.

SEC. 3. It shall be the duty of the board of health of every city and town, or of the inspector of buildings of every city and town in which the inspector of buildings has control of the enforcement of the regulations relative to plumbing, to furnish the state examiners of plumbers within three months from the passage of this act with a correct list of the names and addresses of all registered or licensed plumbers within such city or town. All persons already holding legal certificates of registration may, within six months from the passage of this act, register anew with the state examiners of plumbers. A license heretofore issued to a person after an examination shall continue in effect for the term for which it was issued, but may be exchanged, without payment of an additional fee, for a license issued by the state examiners of plumbers. Persons who have worked as journeymen plumbers, and who are registered as master plumbers under the provisions of chapter four hundred and fifty-five of the acts of the year eighteen hundred and ninety-four, shall be granted certificates of registration as journeymen plumbers; and persons who have passed the examination for, and who hold master plumbers' licenses, shall without further examination be granted journeymen plumbers' licenses by the state examiners of plumbers. The fees for registration, and for the license of a master plumber, shall be two dollars each. The fees for examination, and for renewals shall be fifty cents each. The fees for the registration and for the license of a journeyman plumber shall be fifty cents each. Fees received by the said examiners shall be paid monthly by their clerk into the treasury of the Commonwealth. The report of the state examiners of plumbers shall be a part of the annual report of the state board of health.

Certificates.

Effect of certificates and licenses.

SEC. 4. Certificates and licenses issued by the state examiners of plumbers shall be valid and have effect throughout the Commonwealth. The said examiners shall from time to time forward to the board of health of each city and town, or to the inspector of buildings of each city and town in which the inspector of buildings has control of the enforcement of the regulations relative to plumbing, a list of the names and addresses of all persons within such city or town who have been granted plumbers' licenses or certificates. Licenses shall be issued for the term of one year, and shall be renewable on or before the first day of May in each year upon the payment of the required fee. Each holder of a master plumber's certificate or of a license shall register his name and business address with the board of health of the city or town where the holder thereof desires to engage in the business of plumbing as a master plumber; except that in a city or town where the inspector of buildings has control of the enforcement of the regulations relative to plumbing, such holder shall register his name and address with the inspector of buildings. The said examiners may, after notice and a hearing, revoke the license of any person who, after having been convicted of a like offense, has violated any regulation relative to plumbing. If the holder of a certificate of registration or a license has, in the opinion of a board of health of a city or town or of the inspector of buildings of a city or town in which such inspector has control of the enforcement of the regulations relative to plumbing, violated any statute, ordinance, by-law, rule or regulation relative to plumbing,

Term.

Revocation.

the board of health or the inspector of buildings, if said inspector has control of the enforcement of regulations relative to plumbing, of the city or town where such violation is deemed to have been committed, may request the state examiners of plumbers to forbid such holder to engage in the business of plumbing as a master plumber, or to work at the business of plumbing as a journeyman plumber within such city or town, for a term not exceeding thirty days. After notice and after hearing both parties, the state examiners of plumbers shall serve notice of their decision on each of the parties interested. No person shall do any work in plumbing which is subject to inspection, unless he has been registered or licensed as a journeyman plumber in accordance with the provisions of this act, and his certificate or license shall be exhibited whenever required by the inspector of plumbing. Every master plumber's certificate or license shall at all times be displayed conspicuously within his place of business.

SEC. 9. The words "master or employing plumber," as used in chapter one hundred and three of the Revised Laws, shall be deemed to mean a plumber having a regular place of business and who himself, or by journeymen plumbers in his employ, performs plumbing work. The word "corporation," as used in said chapter one hundred and three, shall be deemed to mean a corporation formed for the purpose of engaging in the business of plumbing. Definitions.

SEC. 10. Every person engaging in the business of plumbing as a master plumber, or working at the business of plumbing as a journeyman plumber, not having been registered or licensed as herein provided; and every person engaging in or working at the business of plumbing in a city or town where he has been forbidden so to do under the provisions of section four of this act; and every person violating any provision of this act or any rule or regulation made thereunder shall be punished by a fine not exceeding fifty dollars for each offense. Violations.

SEC. 11. Upon the appointment of the state examiners of plumbers, the authority of the boards of examiners of plumbers appointed under the provisions of chapter one hundred and three of the Revised Laws shall cease, and said boards shall thereupon be abolished. Local boards abolished.

SEC. 12. All acts and parts of acts inconsistent herewith are hereby repealed. The provisions of this act in so far as they are the same as the provisions of chapter one hundred and three of the Revised Laws shall be construed as a continuation of said chapter and not as new enactments. Repeal.

Approved June 19, 1909. Construction.

MICHIGAN.

CONSTITUTION OF 1909.

ARTICLE V.—*Employment of women and children.*

SECTION 29. The legislature shall have power to enact laws relative to the hours and conditions under which women and children may be employed. Power of legislature.

ACTS OF 1909.

Act No. 52.—*Railways—Construction and equipment of cabooses.*

SECTION 1. From and after January one, nineteen hundred ten, it shall be unlawful for any railroad company, operating railroad lines within the State of Michigan, to use or operate, or cause to be used or operated, over any part of its lines within the State of Michigan, any caboose or way car which is not fully equipped with Platform and steps required.

end platforms and platform steps, said platform and platform steps to be of substantial construction to be approved by the Michigan railroad commission.

Violations.

SEC. 2. If any railroad company operating any railroad line within the State of Michigan which shall use or operate, or cause to be used or operated, over any part of its lines within this State any caboose or way car not equipped with end platforms and platform steps it shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars in the discretion of the court.

Liability in damages.

SEC. 3. In addition to the liability prescribed in section two hereof, any railroad company violating any of the provisions of this act shall be liable in civil damages for all damages caused or resulting from a violation of any of its provisions.

Enforcement.

SEC. 4. It shall be the duty of the Michigan railroad commission to enforce the provisions of sections one and two of this act.

Approved April 28, 1909.

ACT No. 104.—Liability of railroad companies for injuries to employees.

Liability declared.

SECTION 1. Every common carrier railroad company in this State shall be liable to any of its employees, or, in case of his death, to his personal representative for the benefit of his widow and children, if any; if none, then for his parents; if none, then for his next of kin, for all damages which may result from the negligence of any such railroad company or from the negligence of any of its officers, agents or employees, or by reason of any defect or insufficiency due to the negligence of any such common carrier railroad company in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, coal docks or other equipment.

Comparative negligence.

SEC. 2. In all actions hereafter brought against any such common carrier railroad company under or by virtue of any of the provisions of this act to recover damages for personal injury to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery: *Provided*, That the negligence of such employee was of a lesser degree than the negligence of such company, its officers, agents or employees: *Provided further*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier railroad company of any statute enacted for the safety of employees contributed to the injury of such employee, and such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Violation of statutes.

SEC. 3. The words "railroad company," as used in this act, shall be taken to embrace any company, association, corporation, or person managing, maintaining, operating, or in possession of a common carrier railroad in whole or in part within this State, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

Definition.

SEC. 4. No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employee: *Provided, however*, That upon the trial of such action, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

Contracts not a defense.

SEC. 4. No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employee: *Provided, however*, That upon the trial of such action, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

SEC. 5. No action shall be maintained under this act unless commenced within two years from the time the cause of action accrued.

Limitation.

SEC. 6. Nothing in this act shall be held to limit the duty of common carrier railroad companies, or impair the rights of their employees under existing laws of the State.

Existing laws.

SEC. 7. The provisions of this act shall not apply to employees working in shops or offices.

Exemptions.

Approved May 19, 1909.

ACT No. 113.—*Inspection of steam vessels and boilers—Examination and licensing of engineers.*

SECTION 1. The commissioner of labor shall be charged with the administration of the provisions of this act, shall employ an inspector who shall have had at least five years' experience as a licensed master or engineer on steam vessels navigating the Great Lakes or any of their tributary waters, and who shall be otherwise properly qualified to enable the commissioner of labor to carry said provisions into effect, and shall exercise supervision over him in the performance of his duties.

Appointment of inspector.

SEC. 2. The commissioner of labor shall annually or oftener if he has good cause to believe it reasonable, inspect or cause to be inspected every steam vessel or other vessel operated by machinery engaged in carrying passengers for hire, directly or indirectly, excepting vessels which are subject to inspection under the laws of the United States, examine carefully her hull, boats and other equipment, examine her engine and boilers, ascertain how long it will be safe to use the same, determine the pressure of steam to be allowed and so regulate the fusible plugs, safety valves and steam cocks as to insure safety, and he may require such changes, repairs and improvements to be adopted and used as he may deem expedient for the contemplated route. He shall also fix the number of passengers that may be transported. He shall also, whenever he deems it expedient, visit any vessel licensed under this act and examine into her condition for the purpose of ascertaining whether or not any party thereon having a certificate from him has conformed to and obeyed the conditions of such certificate and the provisions of this act. The owner, master, pilot, captain or engineer of such vessel shall answer all reasonable questions and shall give all the information in his or their power in regard to said vessel, her machinery and the manner of managing the same. In case of damage by fire or by explosion, collision or stranding or by means of an electrical apparatus, he may investigate the cause thereof, and if found by him to have been occasioned by a violation of any of the provisions of this act or of the orders, regulations and requirements issued by him, he shall so certify to the prosecuting attorney of the county where such violation occurred, together with the names of the persons guilty thereof and of the witnesses.

Annual inspections.

SEC. 3. The commissioner shall also test the boilers of all steam vessels carrying passengers for hire before the same shall be used, and at least once in every year thereafter. In subjecting to the hydrostatic test boilers called and usually known under the designation of high pressure boilers, the hydrostatic pressure applied must be in proportion of one hundred fifty pounds to the square inch to one hundred pounds to the square inch of the steam pressure allowed. In subjecting to the hydrostatic test that class of boilers usually designated and known as low pressure boilers, the commissioner shall allow as the working power of each new boiler a pressure of only three-fourths the number of pounds to the square inch, to which it shall have been subjected by the hydrostatic test and found to be sufficient therefor; but should said commissioner be of the opinion that such boiler by reason of its construction or material will not safely allow so high a working pressure he may, for reasons specifically stated in his certificate, fix the working pressure of such boiler at less than three-fourths

Tests of boilers.

of said test pressure; and no boiler or pipe or any of the connections therewith shall be approved, which is made in whole or in part of bad material or is unsafe in its form or dangerous from defective workmanship, age, use or other cause. In addition to the hydrostatic test as herein provided, the commissioner may cause a hammer test to be made and an internal examination of such boiler or boilers so tested, whenever deemed necessary. Any boiler having been in use ten years or more may be drilled at the bottom of shell or boiler, and also at such other points as the inspectors may direct, to determine the thickness of such material at those points, and the general condition of such boiler or boilers at the time of inspection and the steam pressure allowed shall be determined by such ascertained thickness and general condition of the boiler. He shall also see that all connections to the said boiler or engines are of suitable material, size and construction, and that the boiler, machinery and appurtenances are such as may be employed with safety in the service to be performed. He shall also satisfy himself that the safety valves are of suitable dimensions and that the weights of the same are properly adjusted so as to allow no greater pressure than the maximum amount prescribed by him, and that there is a sufficient number of gauge cocks, properly attached to the boiler so as to indicate the quantity of water therein, and suitable steam gauges to correctly show the amount of steam carried, and as to any other matter connected with such steam vessel or the machinery thereof that to said commissioner shall seem necessary to the safety of her passengers and crew, and he shall make such inspection, examination and test of naphtha launches and electric or gasoline launches and their apparatus and machinery as will enable him to determine whether they can safely be used in navigation.

Certificates.

Sec. 4. The commissioner, if satisfied that such vessel is in all respects safe and conforms to the requirements of this act, shall make and subscribe duplicate certificates, setting forth the age of the vessel, the official number, the length, breadth and depth, the date of the inspection, the name of the vessel, the name of the owner, the master, the number of licensed officers and crew which he deems necessary to manage the vessel with safety, the number of boats and life-preservers required and the number of passengers that she can safely carry, and if a steam vessel, the age of the boiler and the pressure of steam she is authorized to carry. One of such certificates shall be kept posted in some conspicuous place on the vessel if practicable, or kept in some convenient place on the vessel to be designated by the commissioner in the certificate, accessible to anyone demanding it, and the other copy shall be kept by the commissioner and by him recorded in a book to be kept for that purpose. If the commissioner refuse to grant a certificate of approval, he shall make a statement in writing, giving his reasons for such refusal, and deliver the same to the owner or master of the vessel.

Construction of vessels.

Sec. 6. All steamboats and other vessels to which this act is applicable shall hereafter be so constructed that the woodwork about the boilers, chimneys, fire boxes, cook houses, stove and steam pipes or any machinery or apparatus involving danger of fire, where such woodwork is exposed to ignition shall be so shielded by some incombustible material that the air may circulate freely between such material and woodwork or other ignitable substances, and before granting a certificate of inspection the commissioner shall require that all other necessary provisions be made throughout such vessel as he may judge expedient to guard against loss or damage by fire.

Life preservers.

Sec. 12. Every steam vessel or vessel propelled by machinery used in the transportation of passengers for hire shall have a life-preserver or life float for each passenger she is allowed to carry and for each member of her crew. * * * Such life-preservers and life floats shall be kept in convenient accessible places in such vessel in readiness for immediate use in case of accident, and the places where the same are to be kept shall be

designated in the commissioner's certificate and also pointed out by printed notices posted in such places as the commissioner directs. * * *

SEC. 13. Whoever intentionally loads or obstructs or causes to be loaded or obstructed in any way the safety valve of the boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the commissioner's certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler, or to give warning of any approaching danger, or intentionally permits the water to fall below the prescribed low water limit of the boiler, shall forfeit to the State of Michigan the sum of five hundred dollars for each violation. If, in the opinion of the commissioner of labor or inspector it is necessary to do so, the safety valve may be taken wholly from the control of all persons engaged in navigating such vessel and secured at the expense of the owner of the vessel by the commissioner.

Loading
safety valves,
etc.

SEC. 14. Every person employed as master, pilot or engineer on board of a steam vessel or a vessel propelled by machinery, carrying passengers for hire shall, unless holding a license issued by a United States board of inspectors covering the class of vessels on which he is employed, be examined by the commissioner as to his qualifications, and if satisfied therewith he shall grant him a license for the term of one year for such boat, boats or class of boats as said commissioner may specify in such license. In a proper case the license may permit and specify that the master may act as pilot, and in case of small vessels also as engineer and pilot. The license shall be framed under glass and posted in some conspicuous place on the vessel on which he may act. Where it is impracticable to keep such license so posted it shall be kept on board accessible to any person demanding it. Whoever acts as master, pilot, or engineer, without having first received such license, or upon a boat or class of boats not specified in his license, or owner, lessee or agent employing him, shall be liable to a penalty of fifty dollars for each day that he so acts, except as in this act otherwise specified, and such license may be revoked by the commissioner for incompetence, incompetency or willful violation of duty.

Who to be
examined.

License.

SEC. 19. No master, engineer or other person having charge of the boiler or apparatus for the generation of steam of any steamboat or vessel carrying passengers for hire shall create or allow to be created any undue or unsafe quantity of steam in order to increase the speed of such boat or to excel another boat in speed. Any person violating the provisions of this section shall forfeit to the State of Michigan the sum of five dollars for every such violation.

Negligence
of employees.

SEC. 20. Every master of a steamboat or vessel who shall violate any of the preceding sections of this act shall for every such violation forfeit to the State of Michigan the sum of two hundred fifty dollars, unless a different penalty is prescribed.

Violations.

SEC. 33. Within forty-eight hours after a vessel meets with an accident involving a loss of life or damage to property, it shall be the duty of the owner or the licensed officer in charge of such vessel to prepare a report setting forth the details of the casualty and swear to the same before an officer authorized to administer oaths generally, which report shall be forwarded by mail or otherwise to the commissioner of labor without delay.

Accidents to
be reported.

SEC. 34. The inspector shall investigate all violations of the provisions of this act, and for such purpose shall have the power and is hereby authorized to subpoena witnesses and compel their attendance, and he may also administer all necessary oaths to any witnesses thus summoned.

Enforcement.

SEC. 36. Whenever the inspector refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, engineer, pilot or operator, any person deeming himself wronged by such refusal, suspension or revoca-

Appeals.

tion, may, within thirty days thereof on application to the commissioner of labor, have his case examined anew by such commissioner; and the inspector shall furnish to the commissioner in writing the reasons for his doings in the premises; and such commissioner shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance and to administer oaths that are conferred on the inspector; and such witnesses shall be paid in the same manner as provided for by section thirty-seven of this act; and such commissioner may revoke, change or modify the decision of such inspector; and like proceedings may be had by any master or owner of any vessel herein required to be inspected in relation to the inspection of such vessel or her boilers, machinery or other apparatus by such inspector.

Approved May 19, 1909.

ACT No. 125.—*Incorporation of associations of railway conductors and engineers.*

Who may incorporate.
Purpose.

SECTION 1. Any number of railway conductors and locomotive engineers, not less than seven, who shall be residents of this State, desiring to become a body corporate for the purpose of carrying on upon the assessment or cooperative plan the business of providing indemnity to members, not exceeding five hundred dollars, for loss of position arising from discharge or retirement, may, by complying with the provisions hereof, become, with those railway conductors and locomotive engineers that may hereafter be associated with them, or their successors, a body corporate and politic.

Members required.

Sec. 6. Such corporation shall not commence business unless it shall have procured bona fide agreements for indemnity therein from at least two hundred eligible persons, which shall be an amount of not less than five hundred dollars each, and shall have received at least one assessment thereon in cash from each of said persons according to the rate and plan set forth in its articles of association, which amount so received in cash shall aggregate at least two hundred dollars; nor until it is fully organized by the election of proper and suitable officers and the secretary and treasurer shall have given good and sufficient bonds to the association, to be held by the president of the association, for the faithful performance of their duties, which bonds shall be not less than two thousand dollars and shall be at least twice the amount of money liable to come into their hands as such officers at any one time, said bonds to be approved by the commissioner of insurance. The president and secretary of such corporation shall furnish under oath to the commissioner of insurance proof of such agreements for indemnity, giving the name, residence, age and amount of indemnity applied for by each applicant and the amount of assessment actually paid by each applicant, and also proof of the election and qualification of the officers, and the custodian of the funds of such corporation shall furnish to the commissioner of insurance a certificate under oath that he has received and holds in trust for the benefit of such applicants the sum of two hundred dollars or more.

Bonds of officers.

Laws applicable.

Sec. 8. Except as herein specifically provided and in all respects not inconsistent with the provisions of this act, associations organized hereunder shall be governed by and subject to all the provisions of act number one hundred eighty-seven of the Public Acts of eighteen hundred eighty-seven, entitled "An act to revise the laws providing for the incorporation of cooperative and mutual benefit associations, and to define the powers and duties and regulate the transaction of the business of all such corporations and associations doing business within this State," as amended and now in force.

Approved May 26, 1909.

ACT No. 128.—Incorporation of associations of mine employees.

SECTION 1. Act number one hundred four of the Public Acts of eighteen hundred ninety-one, entitled "An act to provide for the incorporation of mutual provident associations of miners, trammers, timbermen, landers, engineers, blacksmiths, carpenters and all other laborers in and about the iron, gold, silver, lead, copper and coal mines," [sections 7564 to 7573, Compiled Laws of 1897,] is hereby repealed.

Repeal.

Approved May 26, 1909.

ACT No. 194.—Protection of employees as members of the national guard.

SECTION 1. No person shall either by himself or another deprive a member of the organized militia of this State of employment or prevent, obstruct or annoy any such member or his employer in respect of such employment because such member is commissioned or enlisted in the organized militia of this State or because such person performs military duty under orders from competent authority. No person shall dissuade any other person from enlisting in the organized militia of this State by threats of injury, in case he shall enlist, in respect of his employment, trade or business.

Interfering with employment.

SEC. 2. No association or corporation constituted or organized for the purpose of promoting the success of any trade, employment or business of the members thereof, nor any association whose membership is confined to persons of a particular race, shall, by any constitution, rule, by-law, regulation, vote or resolution, discriminate against any member of the organized militia of this State in respect to the eligibility of the officer or soldier to membership in such association or corporation, or in respect to his right to retain his membership in such association or corporation, and no person shall aid in enforcing any such provision against any officer or soldier of the organized militia of this State with intent to discriminate against such member on account of his membership.

Discrimination by organizations.

Approved June 1, 1909.

ACT No. 205.—Examination and licensing of horseshoers.

SECTION 1. Section six of act number two hundred twenty-nine of the Public Acts of eighteen hundred ninety-nine, entitled "An act to regulate the practice of horseshoeing in the State of Michigan," is hereby amended to read as follows:

[The amendment consists in adding the following provision as to renewals:]

Provided further, That all persons who register under this act shall be required to pay each year after receiving the certificate herein provided, the sum of one dollar for a renewal certificate.

Renewals.

Approved June 1, 1909.

ACT No. 285.—Labor law.

[This law is mainly a revision and consolidation of previous enactments. The corresponding sections of the Revised Laws of 1897 or acts subsequent thereto are indicated in their order, sections involving material change being reproduced in full.]

Department of labor.

SECTIONS 1 to 3. [No material change from sections 4597, 4598 (as amended by act No. 313, Acts of 1907), and 4599, Compiled Laws, except that the bureau therein created is by the present law designated a department.]

Expenses of department. SEC. 4. The compensation of such commissioner shall be two thousand five hundred dollars per annum, and that of his deputy eighteen hundred dollars per annum, together with all necessary expenses, and the compensation of factory inspectors shall not exceed one thousand dollars per annum, and the assistants or special canvassers or clerks in any office of the department shall receive such compensation as shall be fixed by such commissioner.

All such compensation and also the expenses provided for in section one of this act, shall be audited and paid in the same manner as the salaries and expenses of other state officers: *Provided*, That the amount thereof, exclusive of the compensation allowed to said commissioner and his deputy, shall not in any one year exceed the sum of forty thousand dollars, which sum shall defray the salaries and expenses of the entire department, including factory inspection, coal mine inspection, the gathering of all statistics, the expense of the several free employment bureaus of this State, the inspection of public buildings, school buildings, opera houses and theaters, and every department of investigation coming within the jurisdiction of such department: *Provided, further*, That in addition to the above allowance for expenses said commissioner shall be authorized to have printed not to exceed five thousand copies of his annual report for the use of the department and for general distribution, and all printing, binding, blanks or map work, and all supplies shall be done or furnished under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid in the same manner as other state printing.

Secs. 5, 6. [Same as sections 4601 and 4602 of C. L.]

Sec. 7. [Same as section 4604 of C. L.]

Sec. 8. [Same as section 4603 of C. L.]

Employment of women and children.

Hours of labor. SECTION 9. No male under the age of eighteen years, and no female, shall be employed in any factory, mill, warehouse, workshop, clothing, dressmaking or millinery establishment, or any place where the manufacture of any kind of goods is carried on, or where any goods are prepared for manufacturing, or in any laundry, store, shop or any other mercantile establishment, for a period longer than an average of nine hours in a day or fifty-four hours in any week nor more than ten hours in any one day: *Provided, however*, That the provisions of this section in relation to the hours of employment shall not apply to nor affect any person engaged in preserving perishable goods in fruit and vegetable

Night work. canning establishments. No female under the age of eighteen years shall be employed in any manufacturing establishment between the hours of six o'clock p. m. and six o'clock a. m. No child under the age of sixteen years shall be employed in any manufacturing establishment or workshop, mine or messenger service in this State between the hours of six o'clock p. m. and six o'clock a. m., except as messenger for a telegraph or telephone company or in the postal service of the United States.

Age limit of children. SEC. 10. No child under the age of twenty-one years shall be employed, permitted or suffered to work in any theater, concert hall or place of amusement where intoxicating liquors are sold. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, theater, passenger or freight elevator, factory or workshop, telegraph or messenger service within this State.

Registers. It shall be the duty of every mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, theater, workshop, telegraph or messenger service or any person coming within the provisions of this act to keep a register in which will be recorded the name, birthplace, age and place of residence of every person employed under the age of sixteen years, and it shall be unlawful for any such establishment or person to hire

or employ any child under the age of sixteen years without there is first provided and placed on file in the business office thereof a permit issued by the superintendent of schools of the school district in which such child resides, or some one duly authorized by him in writing, or by the person in charge of any state employment bureau, each of whom shall have power to administer oaths in relation thereto, or by the probate judge of the county or the judge of the juvenile court of the city wherein such child resides. Such permit shall be returned to the child upon leaving such employment. The said register and permit shall be produced for inspection on demand of any factory inspector appointed under this act; no fee shall be charged for such permit by any officer by whom it shall be issued. Every employer complying with the provisions of this section shall be at liberty to employ the person so presenting the permit hereinbefore referred to, and is justified in considering and treating such person as of the age shown in such permit and shall not be liable, if it transpire that such person is under the age represented in such permit, to any greater extent than such employer would be liable if such person were of the age represented. The person authorized to issue such permit shall not issue the same until he has received, examined, approved and filed the following papers duly executed:

Permits.

Evidence.

(a) The school report of said child properly filled out and signed as hereinafter provided;

(b) A passport or duly attested transcript of the record of birth, as kept by any duly authorized public authority, or a record of baptism or other religious record, showing the date and place of birth of such child;

(c) The sworn statement showing the date and place of birth of such child made by the parent or guardian or by the child in case it has no parent or guardian, which shall be required, however, only in case the above-mentioned official or religious record can not be produced, which sworn statement must be made only before the officer issuing the permit, and shall be accompanied by a statement as to date and place of birth, if it can be obtained, signed by the physician or midwife attending at such birth;

(d) A statement by the issuing officer that he has examined said child, that in his opinion the child can read intelligently and write legibly simple sentences in the English language, that in his opinion the child is fourteen years of age or upwards, and has reached the normal development of a child of its age and is in sound health and physically able to perform the work which it intends to do, and that in his opinion the services of the child are essential to the support of itself or its parents. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such permit shall be signed in the presence of the officer issuing the same by the child in whose name it is issued; and shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed, and that the child named in such permit has appeared before the officer signing the same and been examined. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child had attended, and shall be furnished on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public school or schools equivalent thereto, or parochial schools for not less than one hundred days during the school year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English language, and has received during such period instructions in reading, writing, spelling, English grammar and geography, and is familiar with the fundamental operations of arithmetic up to and including elementary operations in fractions. Such school record

Physical fitness.

shall also give the age and residence of the child as shown on the records of the school, and the name of its parent or guardian or custodian;

False statements.

(e) Any person who shall make a false statement, transcript, passport, school certificate, certificate of physical fitness, school record or any other writing required to be made or filed by the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars or imprisonment not less than ten days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Certain employments forbidden.

SEC. 11. No female under the age of twenty-one years and no male under the age of eighteen years shall be allowed to clean machinery while in motion, nor employed in or about any distillery, brewery or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled, nor in any other employment which may be considered dangerous to their lives and limbs or where their health may be injured or morals depraved, nor shall females be unnecessarily required in any employment to remain standing constantly.

Inspection of factories and workshops.

SECTION 12. [Same as section 5, act No. 113, Acts of 1901.]

SEC. 13. [Same as section 6, act No. 113, Acts of 1901, as amended by act No. 140, Acts of 1907.]

SECS. 14 to 16. [Same as sections 7 to 9, act No. 113, Acts of 1901.]

SEC. 17. [Same as section 10, act No. 113, Acts of 1901, as amended by act No. 169, Acts of 1907.]

Inspectors.

SEC. 18. The commissioner of labor shall be the chief factory inspector, and the deputy commissioner of labor and deputy factory inspectors shall be factory inspectors in the meaning of this act. At least two of such deputy factory inspectors shall be women. Said factory inspectors are hereby empowered to visit and inspect at all reasonable hours, as often as practicable or required, the factories, workshops and other manufacturing establishments in this State where the manufacture of goods is carried on, and all hotels where any person or persons are employed, also all stores in this State. Deputy factory inspectors shall report to the commissioner of labor at such time and manner as he may require. It shall also be the duty of the factory inspectors to enforce all the provisions of this act and to prosecute all violations of the same before a magistrate or in a court of competent jurisdiction in this State.

Reports.

SEC. 19. Deputy factory inspectors shall return to the commissioner of labor, as he may require, detailed reports of the results of all inspections, together with statistics gathered, and said commissioner shall keep on file in his office at Lansing a record of all reports so returned. A copy of the report on such inspection and of any order in reference thereto shall be served by the factory inspector on the superintendent, owner or manager of each building, establishment or workshop inspected. Service of such order shall be accepted and a duplicate thereof signed by such superintendent, owner or manager. If the superintendent, owner or manager of whom such signature is demanded shall refuse to so sign such acceptance of service, an affidavit by the inspector showing the facts of such service, demand of signature and refusal shall be sufficient evidence of service when duly filed; but such superintendent, owner or manager shall not thereby be released from any criminal liability attending his refusal under this act. Deputy factory inspectors and special canvassers shall have the same power to administer oaths as is now given to notaries public, in cases where persons desire to verify documents connected with the proper enforcement of this act.

Owners to sign.

Annual inspections.

SEC. 20. For the purpose of carrying out the provisions of this act, the commissioner of labor is hereby authorized and required

to cause at least an annual inspection of all manufacturing establishments, factories, hotels, workshops and stores. Such inspection may be made by the commissioner of labor, the deputy commissioner of labor, deputy factory inspectors, or such other person as may be appointed by the commissioner of labor for the purpose of making such inspection. Such persons shall be under the control and direction of the commissioner of labor. All compensation for services and expenses provided for in this act shall be paid by the state treasurer upon the warrant of the auditor general and audited by the auditor general: *Provided*, That the commissioner of labor shall present to the governor on or before the first day of April of each year, a report of such inspection, with such recommendations as may in his judgment be necessary.

SECS. 21, 22. [Same as sections 16 and 17 (as amended by act No. 169, Acts of 1907) of act No. 113, Acts of 1901.]

SEC. 23. Factory inspectors shall have power to order all improvements herein specified, such as the repairing of elevators, the installment of wash and dressing rooms and water-closets. When such improvements are found necessary orders for same shall be served on the owner of the building or premises: *Provided*, That whenever the owner of such buildings or premises as mentioned in this act be a nonresident of this State said order may be made on his resident agent or the tenant of such buildings or premises. If the tenant be required to make such improvements he may deduct the cost thereof from the amount of rent for use of such buildings or premises. Changes in buildings.

Employment of women.

SECTION 24. [Same as section 5373 of C. L.]

SEC. 25. [Same as section 5361 of C. L.]

Inspection of factories and workshops.

SECTION 26. [Same as sections 1 to 8 of act No. 152, Acts of 1907.]

SECS. 27 to 30. [Same as sections 1 to 4 of act No. 202, Acts of 1899.]

SEC. 31. [Combines section 5 of the above law, section 5a added by act No. 193, Acts of 1903, and section 7 added by act No. 172, Acts of 1905.]

SEC. 32. [Same as section 1 of act No. 252, Acts of 1907.]

SECS. 33, 34. [Same as sections 1 and 2 of act No. 209, Acts of 1899.]

Free public employment offices.

SECTIONS 35, 36. [Same as sections 1, 2, and 4 of act No. 281, Acts of 1907, except that the cities in which such bureaus are to be established are designated, as follows: Detroit, Grand Rapids, Jackson, Bay City, Battle Creek, Muskegon, Saginaw, and Kalamazoo.] What cities to have.

Mine regulations.

SECTIONS 38 to 49. [Same as sections 1 to 29 of act No. 57, Acts of 1899, as amended by act No. 100, Act of 1905.]

SEC. 50. Only a pure animal or vegetable oil, or other oil as free from smoke as a pure animal or vegetable oil, and not the product or by-product of resin, shall be used for illuminating purposes in the mines of this State. The inspector of coal mines shall have power to inspect as often as necessary all oils used in the coal mines in this State, and shall have power to condemn any oil in his judgment not up to the standard within the meaning of section fifty-four of this act. An inspector of oil shall visit the mines at least four times a year to test all oils used for illuminating purposes in the mines of this State, and any person or persons, firm or corporation having in charge the operation or Illuminating oil.

running of any mine which, in a mine under his or its charge, uses or permits the use of any oil other than that prescribed by the provisions of this act, and any miner or mine employee who uses any oil other than prescribed in this act in any mine in this State shall be fined not less than five nor more than twenty-five dollars.

SECS. 51 to 53. [Same as sections 32 to 35 of act No. 57, Acts of 1899, as amended by act No. 100, Acts of 1905.]

Violations.

Penalty.

SECTION 54. Any person who violates or omits to comply with any of the foregoing provisions of this act, or who interferes in any manner with the factory inspector in the discharge of his duties, or who suffers or permits any child or female to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Acts repealed.

Repeal.

SECTION 55. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved June 2, 1909.

ACT No. 300.—Accidents on railroads—Inspection.

Accidents to be reported.

SECTION 33. Every common carrier shall, whenever an accident occurs within this State upon its line or road or on its depot grounds or yards, give such notice thereof and make such report thereof to the commission as the regulations of the commission shall require. In the event of any accident the commission, if it deem the public interests require it, shall cause an investigation to be made forthwith, which investigation shall be held within the locality of the accident, unless for greater convenience of those concerned it shall order the investigation to be held at some other place, and said investigation may be adjourned from place to place, as may be found necessary and convenient. The commission shall seasonably notify an officer of the company of the time and place of the investigation. The cost of such investigation shall be certified by the chairman of the commission, and the same shall be audited and paid by the State in the same manner as other expenses are audited and paid, and record or file of said proceedings and evidence shall be kept by said commission.

Inspection of equipment, etc.

SEC. 34. Whenever the commission shall have reasonable grounds to believe, either on complaint or otherwise, that any of the equipment, cars, tracks, bridges or other structures of any common carrier of this State are in a condition which renders any of them dangerous or unfit for the transportation of passengers with reasonable safety, or unreasonably endangering the employees of such carrier, it shall be its duty to inspect and examine, or cause to be inspected, examined and tested by some competent person or persons, and for that purpose it, the said commission, may employ some other person possessing especial knowledge and skill in the construction of railroads and bridges, as an expert, and if, on such examination, in its opinion any such equipment, cars, tracks, bridges or other structures be dangerous or unfit for the transportation of passengers with reasonable safety, or unreasonably endanger the employees of such carrier, it shall be its duty to give the superintendent or other executive officer of the corporation, working or operating said defective, dangerous or unfit equipment, car, track or bridge or other structure, notice of the condition thereof, and of the repairs or changes necessary to place the same in a reasonably safe condition, and of the time within

which such repairs or changes shall be made. It may also order and direct the rate of speed of passing trains or cars over such dangerous or defective track, bridge or other structure, until the said repairs shall be made. * * *

Approved June 2, 1909.

MINNESOTA.

ACTS OF 1909.

CHAPTER 198.—*Sale of liquor to employees.*

SECTION 1. No minor, intemperate drinker, habitual drunkard, inmate of a poor or alms house, or person under guardianship, shall be allowed in any room where intoxicating liquor is sold in less quantities than five gallons as a beverage, after written notice upon the licensee or his agent, by master or employee of such minority, intemperate drinking, habitual drunkenness * * * within one year after notice, * * *

Approved April 17, 1909.

CHAPTER 234.—*Accidents to be reported to the employees' compensation commission.*

SECTION 1. Every indemnity, casualty and employers' liability company doing business in this State shall, on or before the first day of October, 1909, file with the Minnesota employees' compensation commission a written report upon blanks to be furnished by said commission, of all accidents occurring in this State between July 1, 1906, and July 1, 1908, of which it has had notice, resulting in bodily injury to the employees of persons, firms or corporations to whom it has issued policies of insurance. Insurance companies to report.

Such written reports shall contain the following information relative to each of said accidents, or so much thereof as is disclosed by the books and records of the company making such report, to-wit: Data.

- (a) Date of injury.
- (b) Age, sex and occupation of the injured person.
- (c) Occupation of the employer.
- (d) The cause and manner in which the injury happened.
- (e) The nature and extent of the injury and the length of disability.
- (f) The wages the injured person was earning and the length of time he had been so employed.
- (g) Whether it was claimed that the injury was caused by
 - One (1) The willful or gross negligence of the injured party;
 - Two (2) The negligence of a fellow-servant;
 - Three (3) Contributory negligence of the injured party;
 - Four (4) Defective machinery or appliances furnished by the employer;
 - Five (5) Whether it was claimed that the injured party assumed the risk of his employment.
- (h) Whether a settlement has been made with the injured person or his legal representatives.
 - (i) The amount paid in such settlement.
 - (j) The amount, if any, paid for doctor's and hospital bills in connection with such injury.
- (k) Whether the injured person was represented by an attorney.
 - (l) Whether any action at law had been brought by the injured person or his representatives to recover damages for said injury, and if so, the result of such action.
 - (m) What amount, if any, is carried as reserve for such case if loss is unadjusted,

- Report for second year.** Sec. 2. Every such indemnity, casualty and employers' liability company doing business in this State, shall on or before the 1st day of October, 1910, file with said Minnesota employees' compensation commission a written report, giving information similar to that required in section 1 hereof, but covering the period from July 1, 1908, to July 1, 1909.
- Violation of statute.** Sec. 3. Failure or refusal on the part of any such corporation to make and file the reports required by the preceding two sections shall be ground for the suspension or revocation by the insurance commissioner of the certificate of authority of any such corporation to transact business within the State.
- Reports not evidence.** Sec. 4. No report herein required to be made, nor any part thereof, shall be admitted in evidence or referred to at the trial of any action, or in any judicial proceedings whatsoever, except prosecutions for the violation of this act.
- Not to be disclosed.** No such report, nor any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employee of the State having access thereto, but the same may be used for state investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor, and punishable as such.

Approved April 17, 1909.

CHAPTER 235.—Accidents to be reported to the commissioner of labor.

- Employers to make reports.** SECTION 1. It is hereby made the duty of every employer of labor engaged in industrial pursuits to make or cause to be made a report of any and all accidents within thirty (30) days after they occur to any of its, his or their employees, within the scope of their employment of which he, it or they have or can obtain knowledge, where the injuries are sufficient to wholly or partially incapacitate the injured from labor or service, which report shall be made in writing to the commissioner of labor of this State, giving:
- Data.**
- (a) Age, sex and occupation of injured person.
 - (b) Occupation of employer.
 - (c) The cause of the injury.
 - (d) The nature and extent of the injury and the probable length of disability.
 - (e) The immediate family or dependents of the injured person.
 - (f) The name and address of the attending physician or surgeon.
 - (g) The wages the injured person was earning and the length of time he had been in that employment.
 - (h) Whether the injured person willfully caused the injury.
 - (i) Whether assumption of risk is claimed by the employer.
 - (j) Whether negligence of a fellow-servant is claimed by the employer.
 - (k) Whether contributory negligence is claimed by the employer.
 - (l) Whether fault of the employer, or his machinery, or safety appliances, is admitted.
 - (m) A statement of all expenses, costs, damage and compensation to which the employer is put on account thereof.
 - (n) Whether the employer carries indemnity or liability insurance, and if so, the amount thereof and the average pay roll in the department in which the injury occurred.
 - (o) Whether it is a case which is likely or may become one of public charity.
- Violation of statute.** Sec. 2. The failure to make such reports on the part of any person, copartnership or corporation required hereby to make the same, within the time herein specified, is hereby declared to be a misdemeanor.
- Reports not evidence.** Sec. 3. No report herein required to be made nor any part thereof, shall be admitted in evidence or referred to at the trial

of any action, or in any judicial proceedings whatsoever, except prosecution for the violation of this act.

No such report or any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner, by any official or clerk or other employee of the State having access thereto, but the same may be used for state investigations and statistics only.

Any such disclosure is hereby declared to be a misdemeanor and punishable as such.

Approved April 17, 1909.

CHAPTER 286.—*Employees' compensation commission.*

SECTION 1. There is hereby created a commission to be designated and known as the Minnesota Employees' Compensation Commission. Commission created.

SEC. 2. The said Minnesota employees' compensation commission shall be composed of three (3) members who shall be appointed by the governor by and with the consent and advice of the senate. Members.

The three persons first composing said commission shall be appointed within ten (10) days after the passage of this act and before the adjournment of the present legislature, if practicable.

SEC. 3. Such persons shall hold said office until the end of the general session of the legislature of Minnesota for the year 1911, but in case of vacancy occurring, the governor will fill the vacancy. Term.

SEC. 4. The persons appointed to be members of said commission shall be such as are known to possess knowledge of and training in the subject of compensation of employees for injuries received in the course of employment, one of whom shall be a representative of employers of labor, one a representative of labor, and one learned in the law. Qualifications.

SEC. 5. Each commissioner shall, within (30) days after notice of his appointment, and before entering upon the discharge of his duties, take, subscribe and file with the secretary of state the oath of office prescribed by the constitution of this State. Oath of office.

SEC. 6. The said commission may elect its own chairman.

Chairman.

SEC. 7. The said commission shall have a paid secretary who may or may not be a member of said commission.

Secretary.

SEC. 8. If the report hereinafter required is not unanimous, then a minority report shall be made therewith.

Reports.

SEC. 9. It shall be the duty of said commission, and it shall have the power and authority:

Duties.

(a) To have and exercise general supervision over the collection of data and other information to the end that such a report as it shall make shall be relatively just and equal and in compliance with the fundamental laws of this State.

(b) To cause the particular operation of laws passed by other States and foreign countries to be investigated sufficiently to determine whether the various laws framed and now in operation upon the matter of compensation of employees, whether under the form of insurance or otherwise, are successful in the particular jurisdiction, with enough of the data and information furnished with the report to point out the weakness and strength of those laws from a practical standpoint, when compared with our own conditions and constitutional systems.

(c) To make written report to the legislature of this State on the first day of the legislative session of 1911, the results of the information so collected, together with a bill or bills, drafted by said commission, providing a plan for speedy remedy for employees for injuries received in the course of their employment, which will be fair to the employees and the employers and just to the State.

(d) Said commission shall have power to employ such help and assistance as it may deem necessary and expedient from time to time, and pay all necessary expenses.

SEC. 10. No compensation shall be allowed to any of the members of said commission as such, but the necessary expenses in-

Expenses.

curred by the commission in carrying out the provisions of this act shall be allowed, not to exceed in the aggregate the sum of five thousand dollars.

Approved April 20, 1909.

CHAPTER 289.—*Inspection of factories and workshops—Use of basements, etc.*

Basements, etc., not to be used, when. SECTION 1. No basement, cellar, underground apartments, or other place which the commissioner of labor shall condemn as unhealthy and unsuitable shall be used as a workshop [workshop], factory or place of business in which any person or persons shall be employed.

Violations. SEC. 2. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred (\$100) dollars, nor less, nor less [sic] than twenty-five (\$25) dollars, or by imprisonment for not more than ninety (90) days, nor less than thirty (30) days, or by both such fine and imprisonment, for each offense.

Approved April 20, 1909.

CHAPTER 382.—*Railways—Equipment, etc., of cabooses.*

Dimensions and equipment. SECTION 1. It shall be unlawful for any person, corporation or company operating any railroad in the State of Minnesota, to require or permit the use of any caboose cars unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door at each end thereof and with suitable water-closets, cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars and said caboose cars shall be equipped with at least two four-wheeled trucks.

Violations. SEC. 2. Any person, corporation or company operating any railroad in the State of Minnesota violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be liable for a penalty of not less than ten dollars nor more than fifty dollars for each offense, and the use of any one caboose car prohibited in section 1 of this act shall constitute a separate offense for every day or part of a day so used, and such penalty shall be recovered in a suit brought in the name of the State of Minnesota in any court having jurisdiction thereof, in any county in or through which such line of railroad may run, by the attorney-general of the State or under his direction, or by the county attorney in any county in or through which such line of railroad may be operated. All fines and penalties recovered by the State under this act shall be paid into the treasury of the State of Minnesota.

Approved April 22, 1909.

CHAPTER 424.—*Private employment agencies.*

SECTION 1. Sections eighteen hundred and twenty-six (1826) and eighteen hundred and twenty-seven (1827) of the Revised Laws of Minnesota for the year one thousand nine hundred and five (1905) is [are] hereby amended to read as follows:

Records. Section 1826. Such licensee shall enter in a book kept by him for the purpose, a memorandum of the terms of employment of every person engaged by him to work for another, showing the rate of wages, the kind of service, the period of employment, and the name and address of the person for whom the service is to be rendered. He shall furnish to each person so employed duplicate copies of such memorandum, one of which the latter shall deliver to his employer at the beginning of his service. Any person failing, by reason of any fraud, misrepresentation or want of authority on the part of such agency or bureau, to receive employ-

ment as provided in the memorandum, may sue and recover upon the bond all damages sustained by reason of such failure. Such licensee shall not, nor shall any agent, servant or other person, acting for him or on his behalf, charge or receive, either directly or indirectly from any applicant for employment, a registration, application or other fee, except as herein provided:

No fee or charge shall be received or made by any of said persons from such applicant for any purpose whatever, unless and until such licensee has a bona fide order from an employer for the services of such applicant: such order must be in writing or appear in its chronological place in the order book of said licensee. He shall, upon the request of said applicant, at the time of, or at any time subsequent to receiving said fee, exhibit to said applicant, said order or order book: a refusal upon his part so to do shall be prima facie evidence that the taking of said fee was fraudulent and contrary to the provisions of this statute: *Provided, however,* That the provisions of this bill shall not apply to such employment agencies who deal mainly in the securing and furnishing of clerical positions.

Fees.

Sec. 1827. Any person who shall violate any of the provisions or requirements set forth in sections 1825 or 1826 of said laws, as amended, shall be guilty of misdemeanor.

Violations.

Approved April 22, 1909.

CHAPTER 488.—*Safety appliances on railroads.*

SECTION 1. Chapter 202, Laws of 1907, is hereby amended so as to read as follows:

Section 1. On and after the first day of July nineteen hundred and eight it shall be unlawful for any railway company or common carrier in moving freight between points in the State to haul or permit to be hauled or used on its line any car not equipped with couplers coupling automatically by impact and which can be uncoupled without the necessity of men going between the ends of the cars.

Couplers.

Sec. 2. On and after the first day of July nineteen hundred and eight it shall be unlawful for any railway company or common carrier in moving freight between points in the State to use any car that is not provided with secure grab irons or hand holds in the ends and sides of each car for the greater security to men in coupling and uncoupling cars.

Grab irons.

Sec. 3. It shall be unlawful for any railroad doing business in the State of Minnesota to use on this [its] line any locomotive in the moving of its trains not equipped with power, driving wheel, brakes and appliances of [for] operating the train-brake system or to run any train over its road that has not 75 per cent of the cars in such train equipped with power or train brakes and having the brakes used and operated by the engineer of the locomotive drawing such train, and all power-brake cars in such train shall be associated together and have their brakes used and operated: *Provided,* That this section shall not apply to the handling of trains or cars in yard service, or to a local train while engaged in performing switching service.

Power brakes.

Sec. 4. It shall be unlawful for any railroad doing business in the State of Minnesota to use any locomotive, tender, car or similar vehicle used in the movement of state traffic, that is not provided with drawbars of standard height, to wit, standard-gauge cars 34½ in., narrow-gauge cars 26 in. measured perpendicularly from the level of the tops of the rails to the center of the drawbars; the maximum variation from such standard heights between drawbars of empty and loaded cars shall be 3 inches.

Drawbars.

Sec. 5. The provisions of sections 1, 3 and 4, of this act shall also apply to locomotives, cars and trains used in passenger traffic in the State of Minnesota, in so far as the same are applicable to the vehicles used in passenger train traffic.

Application of law.

Cars from connecting lines.

Sec. 6. Any such common carrier may refuse to receive from connecting lines or from any shipper any car not equipped in accordance with the foregoing sections of this act.

Risks not assumed, when.

Sec. 7. Any employee of any such common carrier who may be killed or injured by any locomotive, tender, car, similar vehicle, or train, in use contrary to the provisions of this act, shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, tender, car, similar vehicle, or train has been brought to his knowledge, nor shall such employee be held to have contributed to his injury in any case where the carrier shall have violated any provision of this act, when such violation contributed to the death or injury of such employee.

Powers of railroad commission.

Sec. 8. The railroad and warehouse commission of Minnesota may from time to time after full hearing and for good cause shown, increase the minimum percentage of cars in a train required to be operated by power or train brakes, and a failure to comply with any requirement of said commission shall be subject to a like penalty as a failure to comply with any requirement of this act. The said railroad and warehouse commission of Minnesota is hereby authorized to grant to any common carrier subject to this act, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension or extensions in the aggregate, exceed the period of eighteen months from and after the approval of this act.

Violations.

Sec. 9. Every railroad or the receiver thereof, using or permitting to be used on its line or to be hauled on its line, any locomotive, tender, car or similar vehicle or train in violation of any of the provisions of this act shall be liable to the State of Minnesota for a penalty of one hundred dollars (\$100) for each offense and such penalties shall be recovered in a suit brought in the name of the State of Minnesota, in any court having jurisdiction thereof, in any county in or through which such line of railroad may run, by the attorney-general of the State or under his direction, or by the county attorney in any county in or through which such line of railroad may be operated. All fines and penalties recovered by this State under this act shall be paid into the treasury of the State of Minnesota: *Provided*, That nothing in this act contained shall apply to locomotives, tenders, cars or similar vehicles or trains when the height of the drawbars on such locomotives, tenders, cars, similar vehicles or trains does not exceed twenty-five inches in height or any of which are in actual use in interstate commerce.

Enforcement.

Sec. 10. It shall be the duty of the railroad and warehouse commission to have this law enforced.

Approved April 24, 1909.

CHAPTER 497.—Bureau of labor—Women's and children's department.

Department created.

SECTION 1. There shall be created in the bureau of labor a woman's and children's department.

Female assistant commissioner.

SEC. 2. There shall be appointed by the commissioner of labor a competent woman to act as assistant commissioner of labor and such woman factory inspectors as may be necessary to inspect the sanitary and general conditions under which women and children are at work in all factories, workshops, hotels, restaurants, stores and any other places where women and children are employed.

Said assistant commissioner of labor shall collect statistics and render to the next legislature through the commissioner of labor such findings and recommendations as will promote the health and general welfare of the women and children so employed in this State.

Approved April 24, 1909.

CHAPTER 490.—*Employment of women—Hours of labor—Inspection of factories, etc.*

SECTION 1. No female shall be employed in laboring in a mercantile establishment more than fifty-eight hours in a week.

Hours of labor in stores.

Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work which are required of them on each day of the week, the hours of commencing and stopping such work, and the hour when the time or times allowed for dinner or other meals begin and end.

The printed form of such notice shall be furnished by the commissioner of labor.

The employment of any such person for a longer time in any day than so stated shall be deemed a violation of the provisions of this section.

SEC. 2. No female shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-eight in a week.

Hours of labor in factories, etc.

Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work, and the hours when the time allowed for meals begins and ends.

The printed forms of such notices shall be provided by the commissioner of labor.

The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on [a] previous day of the same week in consequence of the stopping of machinery upon which he or she was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall overtime employment be authorized until a written report of the day and hour [of] its occurrence and its duration is sent to the commissioner of labor.

Violations.

SEC. 3. In each factory, workshop, store or mill at least sixty minutes shall be allowed for the noonday meal unless the commissioner of labor shall permit a shorter time.

Time for meals.

Such permit must be in writing and conspicuously posted in the main entrance of the factory and may be revoked at any time.

Where employees are required or permitted to work more than one hour after six o'clock in the evening they shall be allowed at least twenty minutes to obtain lunch before beginning to work overtime.

SEC. 4. No more employees shall be required or permitted to work in a room in a factory than will allow to each of such employees, not less than two hundred and fifty cubic feet of air space; and unless by a written permit of the commissioner of labor, not less than four hundred cubic feet for each employee, so employed.

Air space.

SEC. 5. The owner, agent or lessee of a factory shall provide in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein the room must be ventilated in such manner as to render them harmless, so far as is practicable; in case of failure the commissioner of labor shall order such ventilation to be provided.

Ventilation.

Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the State, ten

dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor.

Limewashing walls.

SEC. 6. Every factory and workshop in this State where women and children are employed and where dusty work is carried on shall be limewashed or painted at least once in every twelve months.

Floors to be scrubbed.

Every floor of any room in said factory shall be thoroughly cleaned with soap and water at least once in six months and every dressing room and water-closet in said factory shall be thoroughly cleaned with soap and water once in every week.

Violations.

Any employer, superintendent, owner or other agent of any mercantile establishment who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

Approved April 24, 1909.

MISSISSIPPI.

ACTS OF 1908.

CHAPTER 93.—*Blacklisting telegraph operators—Membership in labor unions.*

Blacklisting unlawful.

SECTION 1. It shall be unlawful for any telegraph company, telephone company, telegraph press association, railroad company, or any leased wire firm or private individual doing business in this State, and employing telegraphers for the purpose of transmitting telegraph dispatches for the general public, or any press association, or private business, or in the operation of any railroad, to discriminate against any such telegrapher in its service or out of its service, or to blacklist or refuse employment to any telegrapher only because of such telegrapher's affiliation with or membership in any lawful organization or trade or labor union of telegraphers.

Violations.

SEC. 2. Any such telegraph or telephone company, telegraph press association, railroad company or leased wire firm or private individual violating section 1 of this act shall be liable in actual and exemplary damages to the person so discriminated against.

Discriminations against union workmen.

SEC. 3. It shall be unlawful for any two or more such telegraph or telephone companies, telegraph press associations, railroad companies or leased wire firms or private individuals doing business in this State and employing telegraphers, to conspire, contract, mutually agree or cooperate to discriminate against, blacklist or refuse employment to any telegrapher merely on account of such telegrapher's affiliation with or membership in any lawful organization or trade or labor union of telegraphers.

Liability.

SEC. 4. Any telegraph or telephone company, telegraph press association, railroad company, or leased wire firm or private individual violating section 3 of this act shall be jointly and severally liable in actual and exemplary damages to the party so aggrieved.

Approved March 7, 1908.

CHAPTER 95.—*Railroads—Backing locomotives at night.*

Lights required.

SECTION 1. It shall be unlawful for any person or corporation owning or operating a railroad as a common carrier of passengers and freight for hire in the State, to require or permit a locomotive engine to be backed on his or its line of railroad, in the nighttime, unless it is provided and equipped with a pilot and headlight on the rear of its tender:

Provided, however, That the provisions of this act shall not apply to railroads whose principal business is hauling logs, nor to locomotive engines running for coal or water, doubling hills, returning from trains when broken in two, going to or returning from trains in the yard limits of terminal stations, nor to engines engaged in regular switching service in yards, or road engines

switching at intermediate stations; nor to any locomotive engines in cases of washouts, wrecks, or when going to the assistance of engines so disabled as to block the main track of a railroad.

Sec. 2. Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$100 or more than \$1,000, and in addition thereto any person giving an order, permitting or requiring an employee of any railroad to violate the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not less than ten nor more than thirty days.

Violations.

Sec. 3. Any person or corporation operating a railroad in violation of the provisions of this act shall be liable for injury or damage caused to any person by reason thereof, notwithstanding the negligence of the party injured or damaged.

Liability.

Approved March 16, 1908.

CHAPTER 99.—*Employment of children—General provisions.*

SECTION 1. No children under the age of twelve years shall be employed in or permitted to work in any mill, factory or manufacturing establishment in this State.

Age limit.

Sec. 2. No child under the age of sixteen years shall be employed or detained in any mill, factory or manufacturing establishment within this State for more than ten hours in any one day, or for more than fifty-eight hours in any one week, or be employed in or detained in any such manufacturing establishment between the hours of 7 p. m. and 6 a. m.

Hours of labor.
Night work.

Sec. 3. It shall be unlawful for any person, firm or corporation to employ or detain or permit to work in any mill, factory or manufacturing establishment in this State any child under the age of sixteen years without first requiring said child to present the affidavit of the parent or guardian or person standing in parental relation to such child, stating the place and date of birth of such child, and also stating the last school attendance of such child and grade of studies pursued, and the name of school and name of teacher in charge. The employer shall preserve such affidavit and keep a complete register of all such affidavits showing all the facts contained therein.

Affidavits.

Sec. 4. It is the special duty of the sheriff of the county in which manufacturing establishments employing child labor are located to visit, at least once each month, each such manufacturing establishment, and see to the enforcement of this act.

Register.

Enforcement.

Sec. 5. It is the duty of each county health officer to visit, without notice of his intention to do so, all manufacturing establishments employing child labor within his county, at least twice each year, and oftener if requested by the sheriff, and to promptly report to the sheriff any unsanitary condition of the premises, any child or children afflicted with an infectious, contagious or communicable disease, or whose physical condition renders such child or children incapacitated to perform the work required of them; and the sheriff shall promptly remove such child or children from such manufacturing establishment, and order the premises put in sanitary condition; and the judgment of the county health officer as to the physical condition of the children and sanitary condition of the premises shall be final and conclusive.

Inspection.

Sec. 6. It shall be the duty of the circuit judge to specially charge the grand jury to investigate violations of this act.

Investigations.

Sec. 7. Any officer, manager or superintendent of any manufacturing establishment in which child labor is employed who shall fail or refuse to give true and correct information demanded of him by any of the officers hereinbefore directed to inspect such establishments, or who shall fail or refuse to obey any lawful order of the sheriff or health officer of the county in which such establishment is located, for carrying out the purposes of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars.

Refusing information.

Violations.

SEC. 8. Any person, firm or corporation, or the superintendent, manager, or any officer of a manufacturing establishment employing any child or permitting any child to be employed by or to work in or to be detained in any mill, factory or manufacturing establishment in this State contrary to law, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars, or may be sentenced to the county jail for not less than ten days nor more than sixty days, or both such fine and imprisonment.

Application of act.

SEC. 9. The provisions of this act shall apply only to manufacturing establishments engaged in manufacturing or working in cotton, wool or other fabrics, and to manufacturing establishments where children are employed indoors at work injurious to health, or in operating dangerous machinery.

Approved March 21, 1908.

CHAPTER 194.—*Liability of railroad companies for injuries to employees—Fellow-servants.*

SECTION 4056 of the Code of 1906 is hereby amended so as to read as follows:

Fellow-servant doctrine abrogated.

Section 1. Every employee of a railroad corporation, and all other corporations and individuals, using engines, locomotives or cars of any kind or description whatsoever, propelled by the dangerous agencies of steam, electricity, gas, gasoline or lever power, and running on tracks, shall have the same rights and remedies for an injury suffered by him from the act or omission of such railroad corporation or others, or their employees, as are allowed by law to other persons not employed.

Knowledge not a defense.

Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances, or of the improper loading of cars, shall not be a defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from an injury to an employee, an action may be brought in the name of the widow of such employee for the death of the husband, or by the husband for the death of his wife, or by a parent for the death of a child, or in the name of a child for the death of an only parent, for such damages as may be suffered by them respectively by reason of such death, the damages to be for the use of such widow, husband, parent or child, except that in case the widow should have children, the damages shall be distributed as personal property of the husband. The legal or personal representatives of the person injured shall have the same rights and remedies as are allowed by law to such representatives of other persons. In every such action the jury may give such damages as shall be fair and just, with reference to the injury resulting from such death to the person suing. Any contract or agreement expressed or implied, made by an employee to waive the benefit of this section shall be null and void; and this section shall not deprive an employee of a person, natural or artificial, or the legal or personal representatives of such person, of any right or remedy they now have by law.

Exceptions.

Injuries causing death.

Waiver.

Approved March 20, 1908.

MISSOURI.

ACTS OF 1909.

Inspection of factories and workshops.

(Page 331.)

SECTION 1. Article XVII of chapter 91 of the Revised Statutes of Missouri of 1899, relating to factory inspection in cities of five thousand inhabitants or more, is hereby amended by repealing

section 6431 of said article, and by * * * [amending sections 6432, 6444, 6445 and] 6446 of said article, so that said sections, when amended, shall read as follows:

[The amendment consists in substituting the words factory inspector for the words commissioner of labor, in the sections amended.]

Inspection of factories and workshops—Blowers for emery wheels, etc.

(Page 333.)

SECTION 1. Section 6444 of the Revised Statutes of 1899 is hereby repealed, and the following section, to be known as section 6444, is hereby enacted in lieu thereof: Section 6444. Every person, firm or corporation using any polishing wheel or machine of any character which generates dust, smoke or poisonous gases in its operation, shall provide each and every such wheel or machine with a hood, which shall be connected with a blower or suction fan of sufficient power to carry off said dust, smoke and gases and prevent its inhalation by those employed about said wheel or machine; and any violation of this section is hereby declared to be a misdemeanor, and a person, firm or corporation so violating this section shall, upon conviction, be punished by a fine of not less than one hundred nor more than five hundred dollars for each and every offense. It shall be the duty of the factory inspector and his deputies to see that this section is enforced and to prosecute any violations thereof.

Approved June 1, 1909.

Payment of wages of railroad employees—Time.

(Page 366.)

SECTION 1. All railroad corporations incorporated under the laws of this State and conducting and operating a railroad therein, and all foreign corporations conducting and operating railroads in this State (including receivers of said domestic and foreign corporations) shall and it is hereby made their duty to pay the employees of said corporations their wages monthly, and said monthly wages or compensation shall be paid on or before the 15th of the month following the month during which said wages or compensation shall be earned.

SEC. 2. That any railroad corporation referred to in the foregoing section, or any superintendent, manager or receiver thereof, who shall willfully refuse, neglect or fail to pay said employees, their agents, assign[s], or any one duly authorized to collect said wages, their wages or compensation as required by this act, shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than twenty-five dollars and not more than three hundred dollars for each offense, and each day during which said payment of wages or compensation shall not be made as required by this act shall constitute a separate and distinct offense.

Approved June 14, 1909.

Employment of females in barrooms.

(Page 442.)

SECTION 1. Section 2185 of the Revised Statutes of Missouri, 1899, is hereby amended * * * so that said section as amended shall read as follows: Section 2185. No company, corporation, firm, owner, proprietor, lessee or person owning, conducting or operating any dramshops, saloon or place where spirituous, malt or vinous liquors are sold at retail shall employ or suffer to be employed any female as a servant, bartender, waiter, dancer or singer in said dramshop or place where spirit-

Hoods and
blowers for
dust-producing
machinery, etc.

Monthly pay
day.

Violations.

Women not
to be em-
ployed.

uous, malt or vinous liquors are sold at retail, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment in the county jail not less than three nor more than twelve months, or by fine of not less than fifty nor more than five hundred dollars, or by both such fine and imprisonment; and it shall be the duty of the judge of the court before whom any person is convicted for the violation of the provisions of this section to declare the license of such person for the keeping of a dramshop forfeited and revoked, and enter the same on record; and thereupon it shall be the duty of the clerk of the said court to certify the fact to the authority granting such license, and no such license shall be renewed or again granted to such person until after the expiration of the two years from the day of conviction.

Approved May 6, 1909.

Offenses of employees—Intoxication.

(Page 450.)

Intoxication of engineers, etc. SECTION 4. Section 1868 of * * * [the Revised Statutes of 1899] is hereby amended * * * so that said section, as amended, shall read as follows: Section 1868. Every person who whilst actually employed in discharging the duties of a pilot or engineer on any steamboat, or of an engineer or conductor on any railroad engine, car or train of cars, or of a motorman or conductor on any electric car or cars moved or propelled by any other power, shall be intoxicated, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars.

Repeal. Sec. 5. Sections 1858 and 1869 of * * * [the General Statutes of 1899] are hereby repealed.

Approved June 4, 1909.

Inspection of factories—Guards for dangerous machinery.

(Page 502.)

Belting, etc., to be guarded. SECTION 1. Section 6433, Revised Statutes of 1899, [shall] be amended * * *, so that said section, as amended, shall read as follows: Section 6433. The belting, shafting, machines, machinery, gearing and drums, in all manufacturing, mechanical and other establishments in this State, when so placed as to be dangerous to persons employed therein or thereabout while engaged in their ordinary duties, shall be safely and securely guarded when possible; if not possible, then notice of its danger shall be conspicuously posted in such establishments.

Approved June 14, 1909.

Employment of women and children—Cleaning moving machinery.

(Page 502.)

Cleaning moving machinery prohibited. SECTION 1. Section 6434, Revised Statutes of Missouri, 1899, is hereby repealed and a new section * * * enacted in lieu thereof, as follows: Section 6434. No minor or woman shall be required to clean any part of the mill, gearing or machinery while it is in motion in such establishment, nor shall any minor under the age of sixteen years be required to work between the fixed and traversing or the traversing parts of any machine while it is in motion by the action of steam, water, electricity or other mechanical power; and no woman shall be required to work between the fixed and traversing or the traversing parts of any such machine, except the machine being operated by her.

Working between moving parts.

Approved May 3, 1909.

Employment of women—Hours of labor.

(Page 616.)

SECTION 1. No female shall be employed or permitted to work in any manufacturing or mercantile establishment, laundry or restaurant in any cities of this State which may now or hereafter contain more than 5,000 inhabitants before five o'clock in the morning or after ten o'clock in the evening of any day, nor for more than fifty-four hours in any one week. A printed notice, in a form which shall be furnished by the commissioner of labor, stating the number of hours per day for each week required of females, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. The presence of such female employees in any of the places herein mentioned at any hour other than those stated in the posted notice, shall constitute prima facie evidence of a violation of this act: *Provided*, That this act shall not apply to any mercantile establishment where three or less such females are employed: *Provided*, That women may be employed after 10 p. m. in restaurants, but shall not be employed therein more than nine hours in any one day.

Night work.

Hours of labor.

SEC. 2. Any person who, directly or indirectly, for himself, or for another, shall employ any female in violation of the provisions of this act, and any employer who shall fail to post or to keep posted the notice required by the preceding section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Violations.

Approved June 14, 1909.

Mine regulations—Inspection of hoisting apparatus.

(Page 695.)

SECTION 1. Article 2, chapter 133, Revised Statutes of Missouri, 1899, [shall] be amended by adding two new sections thereto, to be known as sections 8812a and 8812b, and to read as follows: Section 8812a. Every owner or operator, or the agent of such owner or operator of any coal mine in this State, who shall employ twenty-five or more miners or mine laborers, where any mechanical device is or shall be used for the lowering or hoisting of men into or out of such mine, shall have some experienced and practical person to inspect all ropes, cages, safety catches, shive wheels and drum brakes at least twice in each week while such mine shall be in operation. And every such owner or operator, or the agent of such owner or operator of such mine, is hereby required to furnish a book of suitable kind in which the results of each inspection are hereby required to be entered and recorded by the person making such inspection as soon and as often as the same shall be made, always reciting in such book also the day and date of such inspection; and such book shall be kept at such mine, and shall, on all working days, be open for the information of all employees of such mine.

Ropes, etc., to be inspected.

Section 8812b. Every owner or operator, or the agent of such owner or operator of any coal mine in this State of the kind mentioned in the next preceding section, who shall fail to comply with the provisions of said section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days, or by both such fine and imprisonment for each and every separate offense. And every failure to have made such inspection and to have entered and recorded the results of such inspection as provided in section 8812a on any day when the same should have been done, shall constitute a separate offense.

Violations.

Approved May 14, 1909.

Mine regulations—Lowering and hoisting miners.

(Page 696.)

SECTION 1. Section 8813, article 2, chapter 133 of the Revised Statutes of Missouri, 1890, * * * is hereby amended * * * so that said section, as amended, shall read as follows:

Shaft men. [The changes consist in requiring shaft men in all mines, instead of only those in which steam is used for lowering and hoisting men, and in requiring eight men for a trip of the cage instead of six as before.]

Employment of children—School attendance.

(Page 847.)

Attendance required. [This act amends act, page 146, Acts of 1905, by requiring attendance during three-fourths of the term instead of one-half, as heretofore; also by providing for attendance officers in towns having one thousand population instead of three thousand, as under the former law.]

Private employment offices.

(Page 862.)

License re- SECTION 1. No person, firm or corporation in this State shall
quired. open, operate or maintain an employment office or agency for hire, or where a fee is charged to either applicants for employment or for help, without first obtaining a license for the same from the state commissioner of labor statistics. Such license fee in cities of fifty thousand population and over shall be fifty dollars per annum, and in all cities containing less than fifty thousand population, a uniform fee of twenty-five dollars per annum. Every
Fee. license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this act, shall be posted in a conspicuous place in each and every employment agency. The commissioner of labor statistics shall
Bond. require with each application for a license a bond in the penal sum of five hundred dollars, with one or more sureties, to be approved by said commissioner and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions or requirements of this act. The said commissioner is authorized to commence action or actions on said bond or bonds in the name of the State of Missouri for any violation of any of its conditions, and he may also revoke, upon a full hearing, any
Revocation of license. license, whenever, in his judgment, the party licensed shall have violated any of the provisions of this act. It shall be the duty
Register. of every licensed agency to keep a register in which shall be entered the names and addresses of every person who shall make application for help or servants, and the names and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours, be open to the inspection and examination of the commissioner of labor statistics and his agent, or agents, deputies or assistants. Where a registration fee is
Registration fee. charged for receiving or filing applications for employment or help, said fee shall, in no case, exceed the sum of one dollar, for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date and the name or nature of the work to be done or the situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month, after registration, as aforesaid, then said licensed agency shall forthwith repay and return to said applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency. Any licensed agency shall not publish or cause to be published any false or fraudulent notice or advertisement, or give any false information or make any false

False notices.

promise concerning or relating to work or employment to any one who shall apply for employment, and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm or corporation shall conduct the business of any employment office or agency in, or in connection with any place where intoxicating liquors are sold.

SEC. 2. It shall be the duty of the commissioner of labor statistics, or his deputies, agents or assistants, to enforce this act. When informed of any violation, it shall be their duty to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period not exceeding six months, or both.

Enforcement.

Violations.

SEC. 3. All money or moneys received from fees and fines under this act shall be held by said commissioner of labor statistics, and shall constitute a fund for the purpose of enforcing the provisions of this act; and the said commissioner shall, at the end of each fiscal year, make an account of said fund and pay into the state treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

Enforcement fund.

SEC. 4. The free public employment bureaus organized and established, or to be organized and established in this State by the commissioner of labor statistics, or charitable organizations, shall not be subject to the provisions of this act.

Exemptions.

Approved June 14, 1909.

Inspection of bakeries, etc.

(Page 864.)

SECTION 1. Sections 10088 to section 10095, inclusive, of the Revised Statutes of Missouri for the year 1899, are hereby repealed, and a new article, to be numbered IV of chapter 161 and to be entitled "Bakeries," is hereby enacted in lieu thereof, to wit: Article IV.—Bakeries:

Section 1. No employee shall be required, permitted or suffered to work in any biscuit, bread, pastry or cake bakery, or confectionery establishment, in this State more than six days in one week, said week to commence at a given hour on Sunday and terminate at the corresponding hour on the Saturday following: *Provided, however,* That such week shall commence not sooner than six o'clock a. m. on Sunday and end not later than six o'clock p. m. on Saturday. No person under the age of sixteen years shall be employed in any bake shop or confectionery shop between the hours of nine o'clock at night and five o'clock in the morning.

Day of rest.

Night work of children.

Sec. 2. Every building or room occupied as a biscuit, bread or cake bakery or confectionery shop shall be drained and plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts, windows or ventilating pipes sufficient to insure ventilation. Every room or rooms used as a bake shop or confectionery shop wherein foodstuffs are mixed, manufactured or baked, and all troughs, mixing boxes, steam boxes and other appliances used in the preparation of foodstuffs shall be left open, ventilated and aired for a period of not less than twelve consecutive hours during each week between the hours of six o'clock p. m. on Saturday and six o'clock a. m. on Sunday, and during said twelve hours no sponge setting, mixing or baking shall be done in such bake shop or confectionery shop. No water-closet, privy or ash pit shall be within or communicate directly with the bake shop or confectionery shop. The walls of bake shops or confectionery shops shall be plastered or faced with smooth stone, brick or tile, the ceiling whitened, plastered or covered with lumber, metal or fireproof material, and shall be whitewashed at least once every twelve months. The furniture,

Construction, sanitation, etc., of workrooms.

troughs, steam boxes, mixers, pans and all other utensils used in or about such bakery or confectionery and the floor, walls and ceiling of such rooms shall be kept in a clean, healthful and sanitary condition.

Sleeping apartments. Sec. 4. No sleeping apartments for any person shall be permitted, or maintained in any room or rooms used for [the] manufacturing or storing of flour or meal products, or for storing flour or meal or other articles used in the manufacture or production of said products, nor in any room where any manufactured product is stored or kept.

Diseased employees. Sec. 5. No employer shall knowingly require, permit or suffer any person to work in or about his bake shop or confectionery shop who is affected with tuberculosis, scrofula or any venereal disease, or with a communicable skin affection and every person is hereby required to keep himself in a clean and sanitary condition while engaged in the manufacturing or handling of such products.

Underground workrooms. Sec. 6. No room or rooms, either wholly or partly underground, not now used as a bakery or confectionery shop, shall hereafter be used as a bakery or confectionery shop, unless the same shall be so situated as to comply with the necessary sanitary conditions, nor shall any room or rooms, wholly or partly underground, now used as a bakery or confectionery shop, which shall hereafter be closed be again used as a bakery or confectionery shop unless the same shall comply with the necessary sanitary conditions.

Violations. Sec. 7. Any person who violates any of the provisions of this article or refuses to comply with the requirements thereof shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars, or imprisonment in the county jail not less than one month, or by both such fine and imprisonment.

Inspections. Sec. 8. It shall be the duty of the factory inspector or his deputy to inspect each bake shop at least once every twelve months, for which he may receive a fee of not exceeding one dollar; he may make such additional inspections as conditions may seem to require, but he shall not be entitled to any fee for such additional inspection. It shall be his duty to see that the provisions of this article are carried into effect, and it is hereby made the duty of the prosecuting attorney of each county or city in this State to lend all possible aid in all prosecutions for violation of any of the provisions of this article.

Law to be posted. Sec. 9. A copy of this article shall be furnished by the factory inspector and be kept conspicuously posted in every bake shop or confectionery establishment in this State.

Approved May 11, 1909.

Manufactures in tenements—Sale of goods.

(Page 866.)

SECTION 1. Chapter 161 of the Revised Statutes of Missouri of 1899 is hereby amended * * * so that said sections [10096, 10097], when amended, shall read as follows:

[The changes consist in striking out the words commissioner of labor in these two sections, and in substituting therefor in section 10097 the words factory inspector.]

MONTANA.

ACTS OF 1909.

CHAPTER 18.—*Safety appliances on railroads—Headlights on locomotives.*

Headlights required. SECTION 1. It shall be the duty of any person, corporation or company operating any railroad or railway in this State, within

one year after the passage of this act, to equip all locomotive engines used in the transportation of trains over said railroad or railway with electric headlights of not less than fifteen hundred (1500) candlepower measured without the aid of a reflector, or other headlights of not less than fifteen hundred (1500) candlepower measured without the aid of a reflector: *Provided*, That this act shall not apply to locomotive engines regularly used in the switching of trains.

SEC. 2. Any person, corporation or company operating any railroad or railway in this State violating the provisions of section 1 of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars for each offense.

Violations.

Approved February 16th, 1909.

CHAPTER 46.—*Inspector of coal mines—Qualifications.*

SECTION 1. Section 1680 of the Revised Codes of Montana, of 1907, is hereby amended so as to read as follows:

Section 1680. No person shall be eligible to the office of coal mine inspector until he shall have attained the age of thirty years, must be a citizen of the United States, a qualified resident of the State of Montana and been actually employed at coal mining ten years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. And has passed a successful examination and whose certificate of qualification has been filed with the governor by the board of examiners, as provided for by law.

Qualifications of inspector.

Approved March 2, 1909.

CHAPTER 64.—*Inspector of coal mines—Examination.*

SECTION 1. From and after a period of two months, subsequent to the date of the passage and approval of this act, the governor shall upon the recommendation of the coal miners of this State, appoint one practical coal miner actively employed in coal mining in the State of Montana, and one mine manager, or superintendent, who shall be recommended to the governor by the majority of the coal mine operators of the State of Montana and one practical coal mining engineer; the three so named by the governor shall constitute a board of examiners to pass upon the qualification of applicants for coal mine inspector of the State of Montana.

Board of examiners.

SEC. 2. It shall be the duty of the said board to examine into the qualifications of all applicants for appointment to the position of coal mine inspector of the State of Montana, by conducting a thorough examination as to the knowledge of mine working, ventilation, gases, fire damp, machinery, and actual experience in the underground coal mining, and to acquaint themselves with the person, character, habits and general worthiness of each applicant. The general examination shall be in writing and manuscript and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board shall be filed with the secretary of the state as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases, and safety lamps. All candidates shall be allowed the use of such text-books as are proper during the examination. The board of examiners shall confine the examination, of applicants, to questions as designated in section 2, of this act. No person shall be certified as competent whose average percentage shall be less than 75 per centum, and certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by a majority number of the examining board. Examining board shall immediately after the

Examinations.

examination, furnish to each person who came before it to be examined a copy of all questions, whether oral or written which were given at the examination on printed slips of paper, and to be marked, solved right, imperfect or wrong, as the case may be, together with the certificate of competency to each candidate who shall have made at least 75 per centum.

Applicants. SEC. 3. Applications for examination for coal mine inspector to said board must be made in writing and accompanied by an affidavit showing that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of thirty years; has had at least ten years experience in underground coal mining in the United States and at least one years experience in underground coal mining in the State of Montana.

List of eligibles. SEC. 4. The board of examiners shall file with the governor the names of all persons who shall have successfully passed the examination. From those so named the governor shall select one person to be state coal mine inspector: *Provided*, That anyone who has served capably as state coal mine inspector for one full term upon making written application to the board setting forth these facts, shall be certified to the governor as properly qualified for appointment but no man shall be eligible for the appointment as state coal mine inspector who has any pecuniary interest in any coal mine either as owner or employer.

Appointments. SEC. 5. As often as vacancies occur in the office of coal mine inspector caused either by death, resignation, or removal for malfeasance or as provided for in section 12, of this act creating the office of coal mine inspector, or as otherwise determined as with other officers of the State.

The governor shall fill the same by appointment for the unexpired term by selecting a person whose name is on file in his office as provided for in section 4 of this act.

Term of boards. SEC. 10. Four years after January 1, 1909, and every four years thereafter, the governor shall appoint a board of examiners to pass upon the qualification of applicants for coal mine inspector, which shall be constituted, sworn and paid and shall perform the same duties as the board provided for in section one (1) of this act, during the term for which they were appointed and from the names certified to by them the governor shall appoint a coal mine inspector for the State of Montana, as herein provided for.

Reappointment of inspectors. SEC. 11. Nothing in this act shall be construed as preventing the reappointment of any coal mine inspector, who shall have successfully passed the required examination and qualified as herebefore provided for.

Vacancies on board. SEC. 13. Vacancies upon the said board of examiners shall be filled by the governor.

Approved March 4, 1909.

CHAPTER 67.—*State cooperative insurance fund—Coal miners and mine laborers.*

Insurance required. SECTION 1. All workmen, laborers and employees employed in and around any coal mines, or in and around any coal washers in which coal is treated, except office employees, superintendents and general managers, shall be insured in accordance with the provisions of this act, against accidents occurring in the course of their occupations.

Payments by employers. SEC. 2. All corporations, partnerships, associations or persons engaged in the business of operating any coal mine or coal washers in the State of Montana shall pay to the auditor of the State, within five days after the monthly wages of the particular mine shall have been paid, one cent per ton on the tonnage of coal mined and shipped, or sold locally, or having been mined is ready for shipment or sale during the month for which the wages were paid; and all persons mentioned in section 1 employed in and about coal mines shall allow to be deducted from their gross monthly earnings one per cent thereof, the deduction to be made by the agent, man-

Payments by employees.

ager, or foreman of any corporation, association, partnership, person or persons engaged in the business of operating any coal mine or coal washer, and paid to the state auditor within five days after such monthly wages have been paid.

SEC. 3. The agent, manager, foreman or accountant of any corporation, partnership, association, person or persons engaged in mining coal in Montana, shall on or before the fifth day succeeding the pay day at his respective mine, make report under oath to the state auditor as to the tonnage mined and subject to the payment of one cent per ton thereon; and stating the gross earnings subject to the one per cent deduction as provided in this act, accompanied by a certified check in full for the amount of the tax provided in section 2 of this act. It shall be unlawful for any person, employer, employee, corporation, partnership, association or union to make any contract waiving, avoiding or affecting the full legal effect of this act.

Reports as to tonnage.

SEC. 4. It is hereby made the duty of the state auditor to receive all moneys as provided for in this act, and to send the proper acknowledgment to the person making such remittance. The auditor shall pay all moneys so received by him to the state treasurer, who shall keep such sums in safe custody in a distinct fund to be known as the employers and employees cooperative insurance and total permanent disability fund. The state treasurer must invest the surplus of this fund in safe and convertible state, county or city bonds, or bonds of the United States. All interest accruing from such investments shall be accredited to this insurance fund. The bond of the state treasurer shall be liable for such funds, and it shall be his duty to keep accurate accounts of the receipts and disbursements of such money.

Waivers forbidden.

Funds.

SEC. 5. The auditor of state shall keep full statistics of the operation of this function of his department in the event of death by accident, of an employee insured under this act, who shall have come to his death in the course of his employment and by causes arising therein. The auditor of state upon being satisfied by adequate evidence of such death shall issue a warrant upon the state treasurer to persons dependent upon the deceased, these warrants to issue in the following order: (1) To surviving wife and child, or children, in equal shares, and if neither wife or child, or children be alive, then (2) to surviving parents who are dependent, or partially so, upon the deceased; if none, then (3) to such other relatives of the deceased as survive him and are dependent upon him, in the sum of three thousand (\$3000) dollars.

Statistics.

Payment of death claims.

A workman receiving injuries which permanently incapacitate him from the performance of work shall receive a compensation monthly, not to exceed one dollar (\$1) a day for each working day. Compensation for permanent injury shall not be allowed until after the expiration of twelve weeks from the time such injuries were sustained: *Provided*, That the medical practitioner examines and pronounces the injury as being permanent, compensation may then be allowed from commencement of disability. The auditor of state, however, may, when in his judgment he deems it advisable, use so much of the funds as is necessary in the procuring of a medical practitioner, for the purpose of examination or treatment under this act, for such injuries as herein mentioned [sic] compensation shall continue during disability, or until settlement is affected as provided for in section 9 of this act. Total or permanent disability shall consist of the loss of both legs or both arms, the total loss of eyesight or paralysis, or other conditions incapacitating him from work, caused by accident, or injuries received during employment as specified by this act: *Provided*, That if death, as a result of the injury, ensues at a period not longer than one year from date of accident the sum of three thousand dollars (\$3000) shall be paid the deceased workman's dependents as hereinbefore provided. The representatives of a foreigner, except the widow or dependent children, who were not living within the country at the time of the accident, shall

Compensation.

Disability.

Death.

Aliens.

- have no claim for the compensation provided for in this act. Such foreign person shall file their foreign address, if married, with the office of their employer with whom they are employed and duplicate thereof with the state auditor, giving their wife's name and dependent children, and such other identification as may be required by the auditor of state. Loss of any limb, or eye, caused by accident to a workman while employed as provided for in this act, shall be compensated for in the sum of one thousand (\$1000) dollars: *Provided*, That in the event there shall be no funds available in the fund to pay the auditor's warrant when drawn the same shall draw interest out of the fund at the rate of ten per cent per annum until such warrant is called for payment by the treasurer which shall be as soon as the fund is sufficient to pay the same with its interest then due.
- Loss of eye or limb.** **Sec. 6.** Where a workman is entitled to monthly payments under this act, he shall file with the auditor of state his application for such, together with a certificate from the county physician of the county wherein he resides, attested before a notary public.
- If no funds, what.** **Sec. 7.** If any person or persons company or corporation who is then paying into this insurance fund shall believe that any person or persons are obtaining, or having made application to obtain benefits hereunder improperly or fraudulently, and shall file his written request that such person's claim be investigated, the state auditor must, upon the receipt of such request request the secretary of the state board of health to make an examination for the purpose of this act and his certificate as to the condition of the person or persons with reference to their rights to benefit under this act shall be conclusive evidence as to his condition. [sic]
- Monthly payments.** **Sec. 8.** If the workman refuses to submit himself to such examination, or in any way obstruct the same, his right to compensation under this act shall be suspended until such examination takes place, and shall absolutely cease unless he submits himself for an examination within one month after being required to do so.
- Fraudulent claims.** **Sec. 9.** When any monthly payment has been made to a workman for any period whatever, the liability under this act, may on the application by, or on behalf of the workman, be redeemed by the payment of a lump sum, which in no instance shall be in excess of the amount specified as death indemnity, and all monthly payments made prior shall be deducted from such settlement.
- Medical examination.** **Sec. 10.** The auditor of state shall report in January of each year to the governor of the experience and business of this function of his department, and shall have plenary power to determine all disputed cases which may arise in its administration not herein provided for, and to recommend in his report the rates or premium necessary in order to preserve such fund, and shall order paid such indemnification as herein provided. He shall have power to define the insurance provisions of this act by regulations not inconsistent therewith and shall prescribe the character of the monthly or other reports required of the parties liable hereunder and the character of the proofs of deaths, or to total permanent disability, and shall have power to make all other orders and rules necessary to carry out the true intent of this act.
- Refusing examination.** **Sec. 11.** No money paid or payable in respect of insurance or monthly compensation under this act shall be capable of being assigned, charged, taken into execution, or attached, nor shall the same pass to any other person by operation of law; and the acceptance of pecuniary benefit under the provisions of this act shall operate to release the person or persons, corporation, partnerships, or associations causing such injuries or death for which benefits are so claimed, who shall have paid the assessment provided in section 2 of this act, and also the employer, officers and agents thereof from all liability and claim arising from such injuries or death. The commencement of a suit to recover for such injuries or death shall operate as a forfeiture of the right to benefit under this act.
- Payment of lump sum.**
- Annual reports.**
- Powers of auditor.**
- Payments exempt from assignment, etc.**
- Acceptance of benefits bars actions for damages.**

SEC. 12. A manager, agent, foreman, accountant, person or persons who represent any corporation, partnership, association, person or persons, engaged in the mining or managing of any coal mines or coal washers in Montana, or person or persons liable for the payments herein provided for who shall violate the intent of this act by inaccurate reports of tonnage of coal produced by them, or the earnings of employees in their employ, or who in any manner hinders or obstructs the auditor of state in ascertaining facts bearing upon any case provided for in this act or who may refuse correctly to make out such reports as are required by this act, or as requested by the auditor of state, or submit to its provisions, when liable therefor, or who shall fraudulently obtain benefits hereunder shall be fined for each offense the sum of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars and imprisonment in the county jail for a period of not less than one month nor more than six months, or by both such fine and imprisonment.

False returns by employers.

Obstructing administration of law.

Penalty.

The proceeds of all fines shall be forwarded to the state treasurer and by him credited to the insurance fund.

SEC. 13. This act to be in full force and effect from and after the first day of October nineteen hundred and ten, benefits to commence four months thereafter.

Act in force, when.

Approved March 4, 1900.

CHAPTER 69.—*Examination and certification of mine foremen, etc.*

SECTION 1. On the petition of the state coal mine inspector the judge of the district court in any county where coal is mined shall appoint an examining board of three persons, consisting of the state coal mine inspector, a miner and an operator or superintendent, and the members of said examining board shall be citizens of the United States and legal residents of the State of Montana, and shall hold office for the term of two years or until their successors have been appointed and qualified * * *

Board of examiners.

SEC. 2. The examination shall consist of oral and written questions, theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines, and on the different systems of working and ventilating coal mines. During the progress of the examination, the use of text-books shall be allowed applicants during the examination, and the board shall issue to those examined and found to possess requisite qualifications, certificates of competency for the position of mine foreman, mine examiner or fire boss: but such certificates shall be granted only to persons of twenty-three (23) years of age, or over, of good moral character, citizens of the United States and residents of the State of Montana, and with at least five years practical experience in the working of coal mines. All papers and blanks, blank books and stationery used at the examination, to be furnished, by the board, and, each candidate for examination shall be given such questions, as are required, in writing and each question shall be on a separate paper.

Examination.

Applicants.

Candidates must return such papers to the board, with answer to question thereon, attested by his signature. All question papers and answers shall be filed in the office of the county clerk and recorder, in and for the county where such examinations are held, and kept by him in some secure place, subject to examination at any time.

SEC. 3. Certificates of qualification to mine foreman in the coal mines of Montana, shall be granted to each applicant by the board of examiners herein provided for, who have passed a successful examination as to his knowledge of mine workings, ventilation, gases, fire damp, and as to his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the state coal mine inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name and age

Certificates of foremen.

and birthplace of applicant and also the length or nature of his previous service in coal mines.

Mine exam-
iners and fire
bosses.

SEC. 4. Persons seeking certificates of competency as mine examiners (or fire boss) must produce evidence satisfactory to the board that they are citizens of the United States, residents of the State of Montana, have had at least five (5) years practical experience in the working of coal mines, at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit to and satisfactorily pass an examination as to their experience, in mines, generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp.

Who to re-
ceive certi-
ficates.

SEC. 5. The said board of examiners shall meet at the call of the state coal mine inspector, and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified or mine examiner, or fire boss, and such certificate shall be sufficient evidence of the holders competency for the duties of said position so far as relates to the purpose of this act: *Provided*, That any person who shall have been employed as mine foreman, continually for a period of one year preceeding [preceding] the approval of this act, by the same firm, person or corporation, shall, be granted a certificate without undergoing such examination, but he shall not be employed by any other person, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five per centum, and such certificate shall designate the position qualified for and shall be valid only when signed by a majority of the examining board.

Certification
without exami-
nation.

SEC. 6. The board may exercise its discretion in issuing certificates of any class, without examination, to persons presenting with proper credentials, certificates issued by competent authorities in this or other States: *Provided, however*, That for every such certificate issued, the board shall charge a fee of five dollars (\$5).

Applicants to
register.

SEC. 7. An applicant for examination for any certificate herein provided for, before being, examined, shall register his name with the state coal mine inspector, and file with him the credentials required by this act, to wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits, signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate, before receiving the examination, shall pay to the state coal mine inspector the sum of two (\$2) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the state coal mine inspector the further sum of three (\$3) dollars each as a certificate fee. All such fees shall be duly accounted for by the state coal mine inspector and turned into the state treasurer [sic] at the close of the fiscal year.

Fees.

Acting with-
out certificate.

SEC. 9. (a). Any person who acts in the capacity of mine foreman, mine examiner or "fire boss" without a certificate of competency as provided for in this act, shall be deemed guilty of any [an] offense against this act, and shall be liable to a penalty of not exceeding five dollars for every day during which he shall act in such capacity: *Provided, however*, The state coal mine inspector shall have the power to grant permits to persons to perform the duty of mine foreman, mine examiner or "fire boss" as provided for in this act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the State of Montana until such time as the person so employed has had an opportunity to be examined as to his competency by the board of examiners provided for in this act, but no longer.

(b). Every company, corporation, association, person or persons operating any coal mine or coal mines in the State of Montana, who employs any uncertified mine foreman, examiner or "fire boss," except as provided for in section 5 of this act shall be deemed guilty of a misdemeanor and shall be liable to a penalty not exceeding twenty-five dollars for every day which they so employ such uncertified mine foreman, mine examiner or "fire boss": *Provided*, That in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of 30 days, without violating this act or incurring any of its penalties.

Employing
uncertified
foremen, etc.

Approved March 4, 1909.

CHAPTER 70.—*Bureau of agriculture, labor and industry.*

SECTION 1. The commissioner of the bureau of agriculture, labor and industry shall prepare reports from the data, cuts and statistics on file in his office or submitted to him as hereinafter provided. Such reports shall furnish reliable information upon one or more of the following topics, to-wit:

Reports.

Upon the agricultural, commercial, mining, manufacturing, labor or other industrial resources of the State, or upon the educational and social interests or sanitary conditions of the people of the State.

* * * The commissioner shall open correspondence with bureaus of emigration, boards of trade and other organizations in the United States who are willing to assist in disseminating information in regard to the climate, productive, commercial, industrial and labor resources of Montana. * * *

Sec. 9. The bureau of agriculture, labor and industry shall not be used by any country, society, association, person or corporation to aid or further the importation of alien labor or laborers of any kind to work during industrial disputes between employer and employee, and nothing in this act shall be construed to permit, encourage or allow the importation of any laborers or employees under contract at any time.

Alien labor.

Approved March 4, 1909.

CHAPTER 75.—*Hours of labor of telephone operators.*

SECTION 1. On all lines of public telephones, operated in whole or in part within this State, it shall hereafter be unlawful for any owner, lessee, company or corporation to hire or employ any operator or operators, other person or persons to run or operate a telephone board or boards for more than nine (9) hours, in twenty-four hours in cities or towns having a population of 3,000 inhabitants, or over: *Provided, however*, That the provisions of this act shall not apply to any person or persons, operator or operators, operating any telephone board or boards more than nine (9) hours in each twenty-four for the purpose of relieving another employee in case of sickness or other unforeseen cause or causes.

Nine hours a
day's labor.

Sec. 2. Any owner, lessee, company or corporation, who shall violate any of the provisions of this act shall upon conviction be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, and each and every day that such owner, lessee, company or corporation, may continue to violate any of the provisions of this act, shall be considered a separate and distinct offence and shall be punished as such.

Violations.

Approved March 4, 1909.

CHAPTER 95.—*Railroads—Medical aid for injured employees.*

Nearest physician may be summoned.

SECTION 1. In cases of injuries to or received by any railroad trainman or employee of any railroad doing business in this State, which said injuries shall have been received during the regular course of employment of said railroad trainman or employee, any one of said railroad trainmen or employee shall have the right, and is hereby empowered and given authority to call upon and retain the services of the nearest practicing physician or surgeon to care for and treat any such injured trainman or employee, during and until such time as one of the regularly employed and paid physician or surgeon of such railroad corporation can and is able to treat and care for said railroad trainman or employee.

Fee.

SEC. 2. In cases where the services of any physician or surgeon other than the regularly employed physician or surgeon of the railroad corporation are retained and hired as provided in section 1, of this act, such physician or surgeon shall be compensated and paid a reasonable fee for such services performed by him as provided in section 1 of this act.

Railroad to pay in reasonable time.

SEC. 3. If any railroad corporation refuses or neglects to pay for the services of any such physician as hereinbefore provided for within a reasonable time after such physician and surgeon has rendered the services therefor, such railroad corporation shall be guilty of a misdemeanor.

Approved March 6, 1909.

CHAPTER 97.—*Antitrust law—Labor organisations exempt.*

Exemption of wage agreements.

SECTION 2. The provisions of this act [forbidding monopolies and contracts in restraint of trade] do not apply to any arrangements, agreements, or combination between laborers, made with the object of lessening the number of hours of labor or increasing wages.

Approved March 6, 1909.

CHAPTER 107.—*Protection of employees on buildings.*

Scaffolds.

SECTION 1. All scaffolds erected in this State for the use in the erection, repair, alteration or removal of buildings, shall be well and safely supported, and [of] sufficient width, and properly secured, so as to insure the safety of persons working thereon or passing thereunder, or by the same, and to prevent the falling thereof, or of any material that may be used, placed or deposited thereon.

Protective floors.

SEC. 2. It shall be the duty of every owner, person or corporation who shall have the direct and immediate supervision or control of the construction or remodeling of any building having more than three framed floors, whether some or all of said floors are above or below the established street grade, to provide and lay upon the upper side of the joists or girders, or both, of the first floor below the riveters and structural street [sic] setters, a plank floor, which shall be laid to form a good substantial temporary floor for the protection of employees and all persons engaged above or below or on such temporary floor in such building: *Provided, however,* That where the permanent floor is in place on the floor herein required to be planked, a temporary protective floor, shall not be required.

If the floor or permanent floor of the second floor, or of any other floor above the second, or roof, is being placed previous to the permanent floor immediately below the floor which is being arched or planked, a good substantial temporary floor shall be laid on the joists and girders of the next lower floor. For the purpose of this section the lowest framed floor in the building shall be considered the first floor.

Shields.

SEC. 3. In buildings more than three stories high where persons are working on a scaffold or scaffolds on the outside of such

buildings, such persons shall be protected by well secured planking set over the heads of such persons for the full width of the scaffolding on which they are working if another story or stories are being raised above such persons during the time they are working on such outside scaffold or scaffolding.

Sec. 4. It shall be the duty of all owners, contractors, builders, or persons having the direct and immediate control or supervision of any buildings in course of erection which shall be more than thirty feet high, to see that all stairways, elevator openings, flues and all other openings in the floors shall be covered or properly protected: *Provided further*, That wherever such building or buildings over three stories high are being erected in any city or town, other than a residence, temporary toilets in or convenient to such building shall be maintained for the convenience of employees.

Stairways,
etc., to be
guarded.

Sec. 5. Any person violating any of the provisions of the foregoing sections shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense. It is hereby made the duty of the building inspector, his deputy or other authorities in any county, city, town or village in the State, through the county attorney or any other attorney, in case of failure of such owner, person or corporation to comply with this act promptly, to take the necessary steps to enforce the provisions of this act.

Violations.
Enforcement.

Approved March 6, 1909.

CHAPTER 136.—*Safety appliances on railroads—Inspection.*

SECTION 1. The railroad commission of the State of Montana shall have full authority to, after notice and hearing, make and enforce rules and regulations providing for the installation on and equipment of, trains, cars or engines, with safety appliances and shall have authority to inspect the same and enforce regulations with regard thereto[,] such inspection[,] rules and regulations to be from time to time coextensive with the requirements of, and in conformity to, the provisions of the acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

Equip ment
may be ordered.

Sec. 2. The railroad commission of the State of Montana shall have the power and authority to examine and inspect all brakes and brake equipment and, to, after notice and hearing, make and enforce reasonable rules and regulations with respect to the examination, inspection and repair thereof, with a view of determining the proper measure of efficiency of said brakes and brake equipment. Such rules and regulations to be from time to time coextensive with the requirements of, and in conformity to the provisions of the acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

Inspection.

Approved March 10, 1909.

NEBRASKA.

ACTS OF 1909.

CHAPTER 17.—*Employment of labor on public works—Cities of the first and second class.*

SECTION 123. [This section amends section 123 of chapter 17, Acts of 1903 (Sec. 1394, Comp. Stat. 1907) by adding thereto the following:]

And it shall be the duty of the city clerk or other person or persons authorized to advertise for bids for contracts for city work to insert these provisions [requiring the employment of union labor and a minimum wage of two dollars per day] in said advertisement.

Union labor,
etc.

CHAPTER 68.—*Inspection of factories, etc.—Manufacture of food products.*

Sanitation.

SECTION 1. Every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale, or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed and the purity and wholesomeness of the food therein produced; and for the purpose of this act the term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment whether simple, mixed or compound and all substances or ingredients used in the preparation thereof.

Floors, walls,
etc.

SEC. 2. The floors, side walls, ceilings, furniture, receptacles [receptacles], implements and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthy and unsanitary condition, and for the purpose of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation [transportation], is not securely protected from flies, dust, dirt and, as for [far] as may be necessary by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles, chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not thoroughly cleaned daily, and if the clothing of operatives, employees, clerks or other persons therein employed is unclean.

Construction,
painting, etc.

SEC. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be brick, cement, plastered, wainscoted [wainscoted] or celled with metal or lumber, and shall be oil painted or kept well lime-washed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or painted with oil paints or lime wash and be kept clean and every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water.

Floors.

Screens.

SEC. 4. The doors, windows and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze.

Toilet rooms,
etc.

SEC. 5. Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have a convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material and shall be kept in a thoroughly cleanly and sanitary condition. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes, on or outside of the building in which they are situated. Lavatories [lavatories] and wash

rooms shall be supplied with soap, water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

SEC. 6. Cuspidors for the use of operatives, employees, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or side walls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted. Cuspidors.

SEC. 7. No person or persons shall be allowed to live or sleep in any room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared, served or sold. Sleeping rooms.

SEC. 8. No employer shall require, permit or suffer any person to work, nor shall any person work in a building, room, basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food who is affected with with [sic] any venereal [venereal] disease, smallpox, diphtheria, [diphtheria], scarlet fever, yellow fever, tuberculosis, or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, (epidemic), epidemic dysentery, measles, mumps, German measles, (Rothein,) whooping cough, chicken pox or any other infectious or contagious disease. Diseased employees.

SEC. 9. The state food, drug and dairy inspector or deputy inspector or agent of the said inspector shall have full power at all times to enter and inspect every building, room, basement, or cellar occupied or used for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid [aforesaid], and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner [manner] detrimental to the health of the employees and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed, or conveyed, the officer or inspector making the examination or inspection shall furnish evidence of said violation to the county attorney who shall prosecute all persons violating any of the provisions of this act, or shall report such conditions and violations to the state food, drug and dairy inspector, who shall issue an order to the person or persons in authority at the aforesaid establishment to abate the condition or violation or make such improvements as may be necessary to abate them, within the period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing and the person receiving the order shall have the power of appeal from the order and instructions, and may within five days from the issuance of the order appear in person or by attorney before the state food, drug and dairy commissioner to give reason why such order or instruction should not be obeyed. Enforcement.

SEC. 10. Any person who violates any of the provisions of this act or who refuses to comply with any lawful orders or requirements of the state food, drug and dairy commissioner duly made in writing as provided in section 9 of this act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than \$10 nor more than \$50; for the second offense by a fine of not less than \$50 nor more than \$100 and for the third and subsequent offense by a fine of \$200 and imprisonment. Violations.

onment in the county jail for not less than 30 days nor more than 90 days and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the state food commissioner shall constitute a distinct and separate offense.

Approved April 3, 1909.

CHAPTER 98.—*Railroads—Crews for trains.*

- Full crew required—** SECTION 1. It shall be unlawful for any railroad company doing business in the State of Nebraska, to operate or run over its road or any part thereof, or suffer or permit to be run over its road or any part thereof, outside of the yard limits, any passenger, mail or express train carrying passengers, whose regular equipment consists of more than five cars, with a crew, consisting of less than one engineer, one fireman, one conductor, one brakeman and one flagman: *And further provided*, That passenger trains whose regular equipment consists of five cars or less, may be operated with a crew consisting of one engineer, one fireman, one conductor and one brakeman or flagman.
- On passenger, etc., trains;**
- On freight trains.** SEC. 2. It shall be unlawful for any railroad company doing business in the State of Nebraska, to operate or run over its road, or any part thereof to to [sic] suffer or permit to be operated or run over its road, or any part thereof, outside of yard limits any freight train which is not manned with a crew consisting of one engineer, one fireman, one conductor and two brakemen: *Provided*, That main line local freight trains running one hundred miles or more and carrying passengers, local merchandise and doing station switching shall be provided with a crew consisting of one conductor, one engineer, one fireman and three brakemen.
- Exceptions.** SEC. 3. Nothing in this act shall be held as applying to any case of disaster or disability of any member or members of the crew, arising while out on the road between division terminals, or to relief trains, or to wrecking trains, where men are not available.
- Violations.** SEC. 4. The officers or agents of any railroad company doing business in the State of Nebraska who shall send out on its road, or cause or suffer or permit to be sent out on its road or any part thereof, outside of the yard limits, any passenger or freight train which is not manned in accordance with the provisions of sections one, two and three of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), for each offense, and shall stand committed until such fine and costs are paid, and any railroad company in the State of Nebraska whose officer or officers, agent or agents or any servant or servants, shall be found guilty of such misdemeanor, shall be liable for any damages caused by the violation of the provisions of this act.
- Enforcement.** SEC. 5. It shall be the duty of the railroad commissioners of the State of Nebraska to enforce the provisions of this act, and all powers heretofore granted to said commission are hereby extended to it, for the purpose of the enforcement of this act.

Approved March 31st, 1909.

CHAPTER 164.—*Protection of employees as voters.*

- Threatening discharge or close of business.** SECTION 1. It shall be unlawful for any person or persons, firm, company or corporation employing any voter in the State of Nebraska to coerce or in any way attempt to coerce [coerce] such voter in his voting or any other political action at any primary, caucus, convention or election held or to be held in this State or to attempt to influence the political action of such voter by threatening to discharge him because of his political action or by threats on the part of such person or persons, firm, company or corporation to close his or its place of business in the event of the election of any candidate for public office or in the event of the success of any political party at any election.

SEC. 2. Any person or persons, firm, company or corporation in this State found guilty of a violation of this act shall be fined not more than one hundred dollars (\$100) or be imprisoned not to exceed thirty days in the county jail.

Violations.

Approved March 23th, 1909.

NEVADA.

ACTS OF 1909.

CHAPTER 25.—*Employment of labor—Charging or receiving fees.*

SECTION 1. It shall be unlawful for any person or persons, firm, company, association or corporation, either as principal or agent, to charge, or receive, or demand, or attempt to charge, or receive or demand, any money or other thing of value, from any person or persons whatsoever, upon the promise of hiring or retaining such person or persons in any employment whatsoever, or by threatening to discharge such person or persons from any such employment, whether or not such person or persons, firm, company, association or corporation, either as principal or agent, may have the right or authority to employ, or retain, or discharge such person or persons, in, or from any such employment whatsoever.

Employers
not to charge
fees.

SEC. 2. Any person or persons convicted of the violation of any of the provisions of the above act [section] shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

Violations.

SEC. 3. This act shall not apply to any duly and regularly licensed intelligence office for the employment of persons.

Exemption.

Approved February 18, 1909.

CHAPTER 44.—*Hours of labor of employees in plaster and cement mills.*

SECTION 1. The period of employment of all persons engaged or employed in any mill or other institution wherein plaster or cement is manufactured shall not exceed eight hours in any twenty-four hours except in cases of emergency where life is in imminent danger, or the product of such mill or institution liable to loss or damage by delay in treatment.

Eight hours
a day's labor.

SEC. 2. Any person who violates any provision of this act, or any person, persons, corporation, employer or agent who hires, contracts with or causes any person to be engaged or employed in any mill or other institution where plaster or cement is manufactured, for a period of time longer than eight hours in any twenty-four hours except in cases where life is in imminent danger or the product of such mill or institution liable to loss or damage by delay in treatment, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Violations.

Approved March 3, 1909.

CHAPTER 64.—*Hours of labor of employees in open-pit and open-cut mines.*

SECTION 1. The period of employment of working men in open-pit and open-cut mines shall not exceed eight (8) hours in any twenty-four (24) hours, except in cases of emergency where life or property is in imminent danger.

Eight hours
a day's labor.

SEC. 2. Any person who violates any provisions of section one of this act, or any person, persons, corporation, employer, or his agent, who hires, contracts with, or causes any person to labor in any open-pit or open-cut mines, for a period of time longer than eight (8) hours within any twenty-four (24) hours, except

Violations.

in cases of emergency where life or property is in imminent danger, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Approved March 5, 1909.

CHAPTER 74.—*Railroad trains—Crews.*

Full crew required. SECTION 1. It shall be unlawful for any person, firm, company or corporation, engaged in the business of common carrier, operating freight and passenger trains or either of them, within or through the State of Nevada, to run or operate, or permit or cause to be run or operated, within or through this State, along or over its road or tracks other than along or over the roads or tracks within yard limits, any freight or passenger train of more than fifty freight, passenger or other cars, exclusive of caboose and engine, with less than a full train crew consisting of not less than six persons, to wit: One conductor, one engineer, one fireman, two brakeman [brakemen], and one flagman.

Crew. **Experienced flagman.** SEC. 2. The flagman mentioned in section 1 of this act shall have had at least one year's actual experience in train service.

Violations. SEC. 4. Any person, firm, company, or corporation, engaged in the business of common carrier, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars.

Approved March 8, 1909.

CHAPTER 130.—*Employment of children—School attendance.*

School attendance required. SECTION 1. Each parent, guardian, or other person, in the State of Nevada, having control or charge of any child between the ages of eight and sixteen years shall be required to send such child to a public school during the time in which a public school shall be in session in the school district in which said child resides; but such attendance shall be excused:

May be excused, when. (1) When satisfactory evidence is presented to the board of trustees of the school district in which such child resides, that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at school, or application to study. A certificate from any reputable physician that the child is not able to attend school, or that its attendance is inadvisable, must be taken as satisfactory evidence by any such board;

(2) When the child has already completed the eight grades of the prescribed grammar-school course;

(3) When satisfactory evidence is presented to the board of trustees that the child is being taught in a private school, or by a private tutor, or at home, by any person capable of teaching in such branches as are usually taught in the primary and grammar schools of this State;

(4) When satisfactory evidence is presented to the board of trustees that the child's labor is necessary for its own or its parent's support;

(5) When the district superintendent shall determine that the child's residence is located at such distance from the public school as to render attendance impracticable or unsafe.

Employing children unlawfully absent. SEC. 7. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment of not more than twenty-five days, or by both such fine and imprisonment. The attendance officer or any other school officer is hereby empowered to visit any place or establish-

ment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and may demand from all employers of such children a list of children employed, with their names and ages.

Approved March 20, 1909.

CHAPTER 176.—*Inspector of coal mines.*

SECTION 1. The office of "inspector of mines" for the State of Nevada is hereby created. Office created.

SEC. 2. The inspector of mines shall receive as full compensation for his services a salary of thirty-six hundred dollars (\$3,600) per annum and his necessary travelling expenses when traveling in the discharge of his official duties, not to exceed eighteen hundred (\$1,800) dollars per annum, and all necessary expenses for clerk hire, postage, stationery, printing and other office expenses, not to exceed twelve hundred (\$1,200) dollars per annum; and such compensation and expenses shall be paid as the salary and expenses of other state officers are paid. He shall hold his office for the term of two years, or until his successor is selected and qualified. Before entering upon the discharge of his duties, as such inspector of mines, he shall file an official bond in the sum of ten thousand (\$10,000) dollars, conditioned for the faithful performance of the duties of his office, in form and manner as other official bonds of state officers. Compensation, duties, etc.

SEC. 3. The inspector of mines shall not at the time of his appointment, or at any time during the term of his office, be an officer, director or employee in or of any mining corporation in this State, or in or of any milling corporation in the State engaged in the business of smelting or reducing ores, and each inspector and deputies shall, and each of them, have had at least seven years' actual experience in underground workings, and shall make his affidavit before a proper officer to that effect before he shall be qualified to act as such inspector, or deputy inspector, as herein provided. And such inspector shall devote his whole time to the duties of his office, and shall take and subscribe to the following oath: To have no other business.

State of Nevada, County of ———, ss.

I, ———, of ——— County, do solemnly swear that I will perform each and every duty required of me as inspector of mines for the State of Nevada; that I will at all times while acting in my official capacity fulfill the duties of such office according to the law and to the best of my skill and understanding; that I will never at any time while holding the office of inspector of mines disclose to anyone, directly or indirectly, under any circumstances any information relative to ore bodies, shoots or deposits of ore or the location, course or character of underground workings, or give my opinion founded on any examination made in the performance of my official duties relative to the value of any mine or mining property, unless by permission of the person or persons in charge of the same. To all of which I pledge my sacred honor. So help me God. Oath.

Nothing in said oath, however, shall be construed to prevent such mining inspector from making full and complete statistical reports as required by law.

SEC. 4. It shall be the duty of the inspector of mines at least once a year, to visit in person each mining county in the State of Nevada and examine all such mines therein as, in his judgment, may require the examination for the purpose of determining the condition of such mines as to safety, and to collect information and statistics relative to mines and mining and the mineral resources of the State, and to collect, arrange and classify mineral and geological specimens found in this State and to forward the same to the State school of mines, and it shall be the duty of the inspector of mines to establish a uniform code of signals. Inspections.

May enter
mines.

SEC. 5. Said state inspector shall have full power and authority at all hours, to enter and examine any and all mines in this State, and shall have the right to enter into any and all mine stopes, levels, winzes, tunnels, shafts, drifts, crosscuts, workings and machinery for the purpose of such examination; and the owner, lessor, lessee, agent, manager or other person in charge of such mine or mines shall render the inspector such assistance as may be required by the inspector to enable him to make a full, thorough and complete examination of each and every part of such mine or mines; and whenever, as the result of the examination of any mine (whether such examination is made in consequence of a complaint, as hereinafter provided, or otherwise), the inspector shall find the same to be in an unsafe condition, he shall at once serve, or cause to be served, a written notice upon the owner, lessor, lessee, agent, manager, or other person in charge of such mine, stating in detail in what particular or particulars the mine is dangerous or insecure, and shall require all necessary changes to be made, without delay, for the purpose of making said mine safe for the employees therein. Upon the neglect or refusal of any owner, lessor, lessee, agent, manager, or other person in charge so notified to comply with the requirements stated in such notice so served, such owner, lessor, lessee, agent, manager, or other person in charge of such mine shall be deemed guilty of a misdemeanor, and is punishable by a fine of not more than five hundred dollars; and each day's continuance of such neglect or refusal shall be a separate offense; and in case of any criminal or civil proceedings at law against the party or parties so notified, on account of the loss of life or bodily injury sustained by any employee subsequent to the service of such notice, and in consequence of a neglect or refusal to obey the inspector's requirements, a certified copy of the notice served by the inspector shall be prima facie evidence of the culpable negligence of the party or parties so notified.

Notice of de-
fects.

Records.

SEC. 6. The inspector of mines shall be provided with a properly furnished office at the statehouse in Carson City, Nevada, in which he shall carefully keep a complete record of all mines examined, showing the date of examination, the conditions in which the mines were found, the manner and method of working, the extent to which the laws are obeyed, and what recommendations, if any, were ordered by the inspector. It is hereby made the duty of the owner, lessor, lessee, agent, manager or other person in charge of each and every mine, of whatever kind or character, within the State, to forward to the inspector of mines, at his office, not later than the first day of June in each year, a detailed report showing the character of the mine, the number of men then employed and the estimated maximum number of men to be employed therein during the ensuing year, the method of working such mine and the general condition thereof, and such owner, lessor, lessee, agent, manager or other person in charge of any mine within the State must furnish whatever information relative to such mine as the inspector of mines may from time to time require for his guidance in the proper discharge of his official duties.

Reports of
operators.

Complaints.

SEC. 7. Whenever the inspector of mines shall receive a formal complaint in writing, signed by one or more persons, setting forth that the mine in which he is employed is dangerous in any respect, he shall, in person, visit and examine such mine: *Provided*, Every such formal complaint shall in all cases specifically set forth the nature of the danger existing at the mine, and shall describe with as much certainty as possible the conditions rendering such mine dangerous, and shall set forth the time when such danger was first observed, and shall distinctly set forth whether or not any notice of such defect or danger has been given by the complainants or any one else to their knowledge to the superintendent or other person in charge of such mine, and if no such complaint has been made to such superintendent or other person in charge, the reason why it has not been made.

After such complaint shall have been received by the inspector of mines, it shall be the duty of such inspector to serve a certified copy thereof, upon the owner, lessor, lessee, agent, manager, or other person in charge, and, as soon as possible, after receiving such complaint, to visit and examine such mine; and if from such examination he shall find such complaint to be just, he shall give notice in writing of the danger existing, to the owner, lessor, lessee, agent, manager, or other person in charge thereof, and in such notice may, in his discretion, order such mine or workings in which danger exists, closed until danger has been removed. The names of the complainants complaining as in this section provided, shall not, under any circumstances, be divulged to any person by said inspector except such action be necessary in the administration of justice in the courts of the State.

Sec. 8. It shall be the duty of the inspector of mines upon the neglect or refusal of any owner, lessor, lessee, agent, manager, or other person in charge of any mine or working, notified of the unsafe or dangerous condition of his mine, promptly to comply with the requirements of the notice served upon him, to at once notify the attorney-general of such neglect or refusal, and the attorney-general or the district attorney of the county in which said mine is situated, at the instigation of the attorney-general, must thereupon immediately commence action in the name of the State against the party so notified for the enforcement of the penalty mentioned in section five, in any court of competent jurisdiction. And it shall be the duty of the inspector of mines upon the neglect or refusal of any owner, lessor, lessee, agent, manager, or other person in charge of any mine or working, notified of the unsafe or dangerous condition of his mine, promptly to comply with the requirements of the notice served upon him, to at once notify the attorney-general of such neglect or refusal, and the attorney-general must thereupon immediately commence action in the name of the State against the party so notified for the recovery of the penalty mentioned in section five, in any court of competent jurisdiction, and the amount so recovered shall be paid into the general school fund of the State and constitute a part thereof.

Prosecutions.

Sec. 9. The inspector of mines shall appoint a deputy inspector who shall receive a salary not to exceed two hundred dollars per month as full compensation for all services, and traveling expenses while in the discharge of his duty.

Deputy.

Sec. 10. Whenever a serious or fatal accident shall occur in any mine in the State of Nevada, it shall be the duty of the owner, lessor, lessee, agent, manager or other person in charge thereof immediately and by the quickest means, to notify the inspector of mines, or his deputy, as may be most convenient, of such accident; and the inspector or his deputy, or both, shall at once repair to the place of accident and investigate fully the cause of such accident; and the inspector, or his deputy, shall be present at any coroner's inquest held over the remains of any person or persons killed in any such accident, and shall have power at such inquest to examine and cross-examine witnesses, and may have process to compel the attendance of necessary witnesses at such inquest. If the inspector or deputy inspector can not be immediately present in case of a fatal or serious accident occurring, it shall be the duty of the owner, lessor, lessee, agent, manager, or person in charge of the mine in which such accident has occurred, to have statements made and verified by those witnessing such accident; in case of no persons being present at the time of the accident, then the statement of those first present thereafter shall be taken, which statement shall be verified, and such verified statements shall be placed in the hands of the inspector, or deputy inspector, upon the demand of such officer. Whenever any deputy inspector is present at any coroner's inquest and assists in the examination, he shall, at the conclusion thereof, at once prepare and forward to the inspector a full and detailed report of the accident, giving all information obtainable regarding the same.

Accidents to be reported.

Annual re-
ports.

SEC. 11. The inspector of mines shall, on the first Monday of December of each year, file with the governor of the State a printed report giving:

First.—A list of all accidents that have occurred during the year, the nature and cause of the same, together with the persons killed and injured.

Second.—The number of mines visited or examined during the year, the number of mines in operation, and the number of mines idle, the number of men employed, the wages paid and the nationality of the employees.

Third.—The name and location of each mine in the State which has been examined and from which the inspector has received a report as provided in section six of this act, and all data possible in regard to the manner of working the same, whether by shaft, tunnel, incline, or otherwise; the condition of the hoisting machinery, boilers, whims, engines, cars, buckets, ropes and chains used in the mines; also the appliances used for the extinguishing of fires; the manner and method of working and timbering the shafts, drifts, inclines, stopes, winzes, tunnels and upraises through which persons pass to and fro while engaged in their daily labor; the character of the exits from the mine, and the methods of ventilation and the system of signals used in the mine.

Fourth.—The number and character of notices served, together with suggestions and recommendations made; the manner in which such suggestions and recommendations were complied with.

Fifth.—The number of complaints received and the actions therein.

Sixth.—The number of prosecutions for neglect or refusal to comply with notices.

Seventh.—A summary of the reports received from mine owners and deputy inspector.

Eighth.—A full statement containing all available statistical and other information calculated to exhibit the mineral resources of the State and to promote the development of the same.

Ninth.—Generally, such other information and suggestions as may be deemed advisable.

Exemptions. SEC. 12. This act shall not apply to any mine which is worked exclusively by the owners, or lessees of the owners, and where no men are employed working in said mine for wages.

Approved March 24, 1909.

NEW HAMPSHIRE.

ACTS OF 1909.

CHAPTER 134.—*Payment of wages—Weekly pay day.*

SECTION 1. Section 21, chapter 180 of the Public Statutes hereby is amended * * * so that said section when amended shall read as follows: Sec. 21. Every manufacturing, mining, quarrying, stonecutting, mercantile, railroad, telegraph, telephone, express, aqueduct, and municipal corporation employing more than ten persons at one time shall pay the wages earned each week by their employees who work by the day or week within eight days after the expiration of the week, or upon demand after that time. Every such corporation shall post a notice in a conspicuous place in its office that it will pay its employees' wages as above, and shall keep the same so posted.

Approved April 9, 1909.

CHAPTER 164.—*Fire escapes on factories, etc.*

SECTION 1. Amend section 1 of chapter 137 of the session laws of 1907 by striking out all of said section and inserting in place thereof the following: Section 1. No building three or more stories in height, any part of which is used or occupied above the second story as a * * * factory shall be let, leased or occupied for such purposes unless provided with a steel or wrought-iron fire escapes required.

ladder or stairway fire escape attached to the outer wall and with platforms of like material of such size, shape and nearness to one or more windows of each story above the first or ground floor as to render access thereto easy and safe. If said building be of a length greater than one hundred and fifty feet it shall be provided with one additional such fire escape for every additional one hundred and fifty feet or fractional part thereof: *Provided*, That any other metal fire escape may be so attached if approved by the building inspector, chief of the fire department or board of selectmen. The provisions of this section shall not apply to any such factory building which shall be adequately equipped with fire-proof stairways, or other means of exit, duly approved in writing by said officers.

SEC. 2. Amend section 2 of said act * * * so that said section as amended shall read: Section 2. Such fire escapes shall reach within eight feet of the ground and the location of the exits thereto shall be designated by red lights during such hours of the night as the building is occupied for the purposes designated in section 1 of this act.

Construction.

Exits.

SEC. 3. Amend section 3 of said chapter * * * so that said section as amended shall read: Section 3. If any person shall violate any of the provisions of this act, he shall be fined not exceeding five hundred dollars or imprisoned not exceeding six months, or both, and it shall be the duty of said officers to enforce the provisions of this act.

Violations.

Approved April 9, 1909.

NEW JERSEY.

ACTS OF 1908.

CHAPTER 25.—*Arbitration of labor disputes.*

SECTION 1. The act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, one thousand eight hundred and ninety-two, and all acts amendatory thereof and supplementary thereto, be and the same are hereby repealed.

Repeal.

Approved March 25, 1908.

CHAPTER 156.—*Civil service—Labor class.*

SECTION 16. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the civil service commission. Preference in employment from such lists shall be given according to the date of application. There shall be separate lists of applicants for different kinds of labor or employments, and the said commission may establish separate labor lists for various localities, institutions and departments. The said commission shall require an applicant for registration for the labor service before he can be registered to furnish evidence or to pass such examinations as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the trade or employment for which he applies.

Unskilled laborers.

Approved April 10, 1908.

CHAPTER 273.—*Factory inspectors—Female inspector.*

SECTION 1. In addition to the inspectors provided by the act to which this is a supplement, and the amendments and supplements thereto, the governor shall, immediately after the passage of this

Additional inspectors.

act, appoint two suitable persons as inspectors, one of whom shall be a woman, whose salary, powers and duties and term of office, shall be the same as the inspectors already provided for.

Approved April 14, 1908.

CHAPTER 284.—*Bribery of employees.*

Bribery, etc.,
prohibited.

SECTION 1. Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who, without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift, or to do an act beneficial to himself, under an agreement, or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant who, being authorized to procure materials, supplies or other articles, either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor, and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor.

Approved April 15, 1908.

ACTS OF 1909.

CHAPTER 59.—*Payment of wages due deceased employees.*

To whom
wages may be
paid.

SECTION 1. It shall be lawful for any employer in this State at any time not less than thirty days after the death of the employee, to pay all wages due to such deceased employee to the wife, child or children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages do not exceed seventy-five dollars in amount: *Provided, however,* That if such deceased employee shall not leave a wife, child or children, father, mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee, first, to the undertaker for his services such sum as shall be due him, and second, the residue, if any, to physician, boarding-house keeper and nurse, pro rata, upon a bill furnished duly verified by affidavit.

Effect.

SEC. 2. The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Approved April 7, 1909.

CHAPTER 83.—*Liability of employers for injuries to employees.*

Injuries
caused by—

SECTION 1. Where, after this act takes effect, personal injury or death results to an employee who is himself in the exercise of reasonable care at the time:

Defective ma-
chinery;

I. By reason of any defect in the condition of the place, ways, works, machinery or plant connected with or used in the business of the employer, which arose from, or had not been discovered or remedied, owing to the negligence of the employer or of any person in the service of the employer, and entrusted by him with the duty of seeing that the place, ways, works, machinery or plant were in proper condition; or

Negligence of
superintendent;

II. By reason of negligence of any person in the service of the employer entrusted with, and at the time of the injury exercising superintendence, whose sole or principal duty is that of superin-

tendence, or in the absence of such superintendent of any person acting as superintendent, with the authority or consent of such employer; or

III. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad; said employee, or in case the injury results in death the executor or administrator of such deceased employee who has left surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of, nor in the service of the employer, nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of such deceased employee suing under the provisions of this act.

Negligence of person in charge of railroad signals, etc.
Status of claim.

SEC. 2. No action against an employer for recovery of compensation for injury or death of an employee under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within one hundred and twenty (120) days, and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured, or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in said section, he may give the same within ten (10) days after such incapacity is removed. In case of his death without having given such notice his executor or administrator may give such notice within sixty (60) days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of the injury if it be shown that there was no intention to mislead, and that the party entitled to notice was not, in fact, misled thereby. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to, or at the residence or place of business of the person on whom it is to be served. The notice may be served by post by registered letter, addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation notice shall be served by delivering the same or by sending it by post by registered letter, addressed to the office or principal place of business of such corporation.

Notice.

Limitation.

SEC. 3. An employee by entering upon, or continuing in the service of an employer, shall be presumed to have assumed all risks necessarily incident to his occupation or employment. The necessary risks of the occupation or employment shall, in all cases arising after this act takes effect, be considered as including those risks, and those only, which are inherent in the nature of the business, and which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action maintained for the recovery of damages for personal injuries to an employee, received after this act takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employee to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employee understood and assumed the risk of such injury, or was guilty of contributory negligence, by his continuance in the same place and course of

Assumption of risks.

Contributory negligence.
Questions for jury.

Defects to be reported.

employment with knowledge of the risk of injury, shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence. An employee, or his legal representative, shall not be entitled under this act to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury, and failed, within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had entrusted to him some general superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer or superior person, or could have been discovered by reasonable and proper care or inspection by such employer or superior person prior to such injury to the employee.

Contributions by employer as offset.

SEC. 4. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this act, or to any relief society or benefit fund, may prove in mitigation of damages recoverable by an employee under this act such proportion of the pecuniary benefit, which has been received by such employee from such fund or society on account of such contribution of employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Construction of statute.

SEC. 5. Every existing right of action for negligence or to recover damages for injuries resulting in death is continued, and nothing in this act contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section two (2) of this act be a bar to the maintenance of a suit upon any such existing right of action.

Approved April 13, 1909.

CHAPTER 144.—*Employment of children—School attendance.*

SECTION 1. Section one hundred and fifty-three of an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, is amended to read as follows:

School attendance required.

Section 153. Every parent, guardian or other person having control of a child between the ages of seven and seventeen years inclusive shall cause such child to regularly attend a day school in which at least the common-school branches of reading, writing, arithmetic, spelling, English grammar and geography are taught by a competent teacher, or receive equivalent instruction elsewhere than at school, unless such child is above the age of fifteen years and has completed the grammar-school course (prescribed by the state board of education), and in addition thereto is regularly and lawfully employed in some useful occupation or service. Such regular attendance shall be during all the days and hours that the public schools are in session in the school district in which the child resides, unless it shall be shown to the satisfaction of the board of education of the school district in which such child resides, that the bodily or mental condition of such child is such as to prevent his or her attendance at school. If such child be under the age of seventeen years and has completed the grammar-school course and is not regularly and lawfully employed in any useful occupation or service, such child shall attend the high school or manual-training school in said school district in which such child resides, if there is a high school or manual-training school in said district; if there is no high school or manual-training school in said school district, said child shall be transported to a high school or manual-training school as provided in the act to which this is an amendment. Any child above the age of fourteen years who submits satisfactory evidence to the board of education of the school district in which such child resides, that it is necessary that such child should be employed in some occupation or service,

High school.

Necessary employment.

may be granted by said board of education a certificate exempting him or her from the provisions of this section, such exception to continue so long as said child shall be regularly employed as aforesaid.

Approved April 17, 1909.

CHAPTER 147.—*Seats for female employees in stores.*

SECTION 1. Every individual, firm, or corporation or the managing agent of such individual, firm or corporation, having in his or their employ one or more females engaged in the services and operations incident to any commercial employment, shall provide and maintain seats of suitable kind, conveniently situated at or near the counter, workbench, or other places where her or their work is ordinarily performed, for the use of such females, who shall be allowed free access to such seats at all times except when engaged in the discharge of duties that can not properly be performed in a sitting position. Seats to be provided.

SEC. 2. It shall be the duty of the commissioner of labor and his authorized deputies to see that the provisions of this act are carried out in all the mercantile establishments throughout the State in which female labor is employed, and the said commissioner or one of his deputies shall thereafter at reasonable intervals examine and inspect all such mercantile establishments for the purpose of seeing that the seats as provided for in this act are fully maintained, and that female employees are permitted to use them freely and without hindrance according to the spirit of this act. Enforcement.

SEC. 3. Any individual, firm or corporation owning or managing an establishment to which this act applies, who shall fail to comply with its requirements within ten days after the date on which notice to do so has been served by the commissioner of labor or one of his deputies shall be liable to a penalty of twenty-five dollars (25) for each offense, and a failure to comply within the period of ten days (10) with such repetition of the notice as may be necessary, shall each constitute a separate offense. Violations.

Approved April 17, 1909.

CHAPTER 191.—*Labor organizations, etc.—Collective insurance.*

SECTION 1. Section one of the act to which this is an amendment [relating to life insurance companies] is amended to read as follows:

Section 1. No life insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between the insured of the same class and equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; except that any life insurance company doing business in this State may issue policies of life or endowment insurance with or without annuities on the industrial plan, with special rates of premiums less than the usual rates of premiums for such policies to members of labor organizations, lodges, beneficial societies or similar organizations, or employees of one employer, who through their secretary, or employer may take out insurance in an aggregate of not less than one hundred members, and pay their premiums through such secretary or employer; * * * Premium rates to be uniform.

Approved April 20, 1909.

CHAPTER 231.—*Inspection of factories, etc.—Manufacture of food products.*

SECTION 1. Every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, packing house, Rooms to be lighted, ventilated, etc.

slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the production, manufacture, preparation, packing, storage, or distribution of food intended for sale or distribution, shall be properly lighted, drained, plumbed and ventilated, and the operations conducted in such building, room, basement or cellar shall be conducted in such a manner that the purity and wholesomeness of the food therein produced, manufactured, prepared, packed, stored, sold or distributed shall not be impaired.

Basements,
etc.

Cleanliness
and sanitation.

SEC. 2. The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every establishment, or place where food intended for distribution or sale is produced, manufactured, prepared, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of such food products shall at no time be kept in an unclean or unsanitary condition. * * * The clothing worn by all operatives, employees, clerks and [sic] other persons while engaged in work in any of the places where food intended for sale or distribution is produced, manufactured, prepared, packed, stored, sold, distributed or transported shall be in clean condition at all times. No person shall transport any such food in such a manner that the purity or wholesomeness thereof shall be in any wise impaired.

Walls.

SEC. 3. The side walls of every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be well plastered, wainscoted or ceiled with metal or lumber, and shall be oil painted, or kept well limewashed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be kept well oiled or painted with oil paint, and shall be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food intended for distribution or sale in which food is exposed shall have a tight floor made of cement, or of tile laid in cement, brick, wood, or other suitable material which can be flushed or washed clean with water.

Floors.

Rules for
workmen.

SEC. 4. All operatives, employees, clerks, or other persons who handle the material from which food intended for distribution or sale is prepared, or the finished product, before beginning work and after visiting the toilet, shall wash their hands and arms thoroughly with clean water and soap, and every owner or manager of any place in which food is produced, manufactured, prepared, packed, stored, distributed or sold shall provide adequate facilities for such washing, and it shall be the duty of every such owner or manager to take all reasonable means to compel all operatives, employees, clerks, or other persons handling the material from which such food is prepared, or the finished product, to perform such washing as aforesaid. All toilets, lavatories and wash rooms shall be separate and apart from the room or rooms where any processes incident to the production, manufacture, preparation, packing, storage, sale or distribution of such food are carried on, and such toilets, lavatories and wash rooms shall, at all times, be kept in a clean and sanitary condition.

Toilets, etc.

Cuspidors.

SEC. 5. Cuspidors for the use of operatives, employees, clerks, or other persons, shall be provided wherever necessary, and each cuspidor shall be emptied and thoroughly washed out daily with a disinfectant solution, and at least five ounces of such disinfectant solution shall be left in each cuspidor while the same is in use. No operative, employee, clerk, or other persons shall expectorate anywhere in any building, room, basement or cellar where the production, manufacture, preparation, packing, storage, sale or distribution of any food intended for sale or distribution is conducted, except in cuspidors provided for that purpose.

Sleeping in
workrooms.

SEC. 6. No person or persons shall be allowed to live or sleep in any room where food intended for sale or distribution is produced, manufactured, packed, distributed or sold.

Diseased
employees.

SEC. 7. No employer shall require, permit or allow any person to work, nor shall any person work in any building, room, base-

ment, cellar or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food intended for sale or distribution who is affected with any communicable disease.

Sec. 9. Any person who violates any of the provisions of this act, or refuses, neglects or fails to comply with any lawful order or requirement of the state board of health or of any local boards of health, duly made in writing, as provided in section nine of this act, shall be liable to a penalty not exceeding fifty dollars for the first offense, one hundred dollars for the second offense, and two hundred dollars for the third and each subsequent offense; such penalties to be recovered by an action of debt in the name of the state board of health or local board of health, as the case may be, in the manner prescribed for the recovery of penalties in the act to which this is a supplement.

Violations.

Sec. 10. When any person shall violate any of the provisions of this act, or shall refuse to comply with any orders duly made in writing; as provided for in section nine of this act, each day upon which such violation occurs shall be deemed to constitute a distinct and separate violation, and each day elapsing after the expiration of the time limit fixed for the compliance with the said order in writing shall be deemed to constitute a distinct and separate offense.

Each day a violation.

Sec. 11. The state board of health shall make uniform rules and regulations for the carrying out of the provisions of this act, which said rules and regulations shall apply to all boards and persons entrusted with the enforcement of the provisions of this act.

Enforcement.

Sec. 12. An abstract of this law shall be prepared and furnished upon request by the board of health to every corporation, firm or person in this State who is affected thereby, and every person engaged in the production, manufacture, preparation, packing, storing, distribution, or transportation of food intended for sale or distribution to whom a copy of such abstract is sent or delivered shall post such abstract of this law, and keep it posted, in plain view in such place that it can be easily read by the employees or operatives in coming in or going from the place where the aforesaid business of such person is conducted.

Abstract of law to be posted.

Approved April 21, 1909.

NEW YORK.

ACTS OF 1908.

CHAPTER 148.—*Garnishment of wages—Exemptions.*

SECTION 1. Section thirteen hundred and ninety-one of the Code of Civil Procedure [section 30, p. 1306, Birdseye's Revised Statutes, 1901] is hereby amended to read as follows:

[The amendment consists in making the law relate to garnishment in all cases where a judgment has been recovered and the execution issued thereon has been returned unsatisfied, instead of only in cases where the recovery was for wages due for domestic or personal services, as in the earlier law.]

Law extended.

CHAPTER 210.—*Commission to investigate industrial opportunities, etc., of aliens.*

SECTION 1. The governor is hereby empowered to appoint a commission of immigration, which shall consist of nine members who shall serve without compensation, and which shall make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of aliens in the State of New York. For this purpose, said commission is hereby authorized to send for persons and papers, administer oaths and to examine witnesses and papers respecting all matters pertaining to this subject, and to employ all necessary clerical and other assistance. Said com-

Governor to appoint.

Duties.

Powers.

Report.

mission shall make a full and final report to the governor, including such recommendations for legislation as in its judgment may seem proper.

Appropriation. Sec. 2. For this purpose the sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated.

Became a law, May 6, 1908.

CHAPTER 448.—Railroads—Safety couplers—Caboose platforms.

Equipment required.

[This chapter amends section 2 of chapter 544, Acts of 1893, (sec. 501 of the railroad law, Birdseye's Revised Statutes), by prohibiting the use after September 1, 1908, "of any car as a caboose unless it shall have a suitable and safe platform at each end thereof, and the usual railing for the protection of persons using such platform," except upon railroads whose main line is less than fifteen miles in length and whose average grade exceeds two hundred feet to the mile.]

CONSOLIDATED LAWS—1909.

[The legislature of 1909 enacted a revision of the laws of the State, which had been prepared pursuant to chapter 664 of the Acts of 1904. New legislation of the session of 1909 was incorporated in the revision.]

CHAPTER 16 (as amended by chapter 409, Acts of 1909).—Employment of children—School attendance.

Attendance required.

SECTION 530. Every child between seven and sixteen years of age in proper physical and mental condition to attend school shall regularly attend upon instruction at a school in which at least the six common school branches of reading, spelling, writing, arithmetic, English language and geography are taught in English, or upon equivalent instruction by a competent teacher elsewhere than at a public school as follows:

1. Every such child between seven and fourteen years of age residing in a city or in a school district having a population of five thousand or more and employing a superintendent of schools shall so attend upon instruction the entire time during which the school attended is in session, which period shall not be less than one hundred and sixty days of actual school.

2. Every such child between fourteen and sixteen years of age, not regularly and lawfully engaged in any useful employment or service as hereinafter provided, and residing in a city or in a school district having a population of five thousand or more and employing a superintendent of schools and to whom an employment certificate has not been duly issued under the provisions of the labor law shall so attend upon instruction the entire time during which the school attended is in session.

3. Every such child between eight and fourteen years of age, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district in which such child resides, shall be in session during the same period.

4. Every such child between fourteen and sixteen years of age, not regularly and lawfully engaged in any useful employment or service, as hereinafter provided, and residing elsewhere than in a city or a school district having a population of five thousand or more and employing a superintendent of schools, shall so attend upon instruction as many days annually during the period between the first days of October and the following June as the public school of the district in which such child resides shall be in session during the same period.

Evening schools.

5. Every boy between fourteen and sixteen years of age, in a city of the first class or a city of the second class in possession

of an employment certificate duly issued under the provisions of the labor law, who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents of the University of the State of New York or the certificate of the completion of an elementary course issued by the education department, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week for a period of not less than sixteen weeks or upon a trade school a period of eight hours per week for sixteen weeks in each school year or calendar year.

6. [No change.]

Sec. 531. 1. Every person in parental relation to a child between seven and sixteen years of age, in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction in cities and school districts having a population of five thousand or above, as required by section five hundred and thirty of this act unless an employment certificate shall have been duly issued to such child under the provisions of the labor law and he is regularly employed thereunder. Duty of parents.

2. Every person, residing elsewhere than in a city or school district having a population of five thousand or above, in parental relation to a child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction unless such child shall have received an employment certificate duly issued under the provisions of the labor law and is regularly employed thereunder in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, or unless such child shall have received the school record certificate issued under section five hundred and thirty-four of this act and is regularly employed elsewhere than in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages.

3. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the Code of Criminal Procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

Sec. 532. It shall be unlawful for any person, firm or corporation—

1. To employ any child under fourteen years of age, in any business or service whatever, during any part of the term during which the public schools of the district or city in which the child resides are in session. Employment prohibited.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, any child between fourteen and sixteen years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school record certificate as provided in section five hundred and thirty-four of this chapter.

3. To employ any child between fourteen and sixteen years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment

certificate, duly issued under the provisions of the labor law. Said employer shall keep and shall display in the place where such child is employed, such employment certificate and also an evening school certificate issued by the school authorities of said city or by an authorized representative of such school authorities, certifying that the said boy is regularly in attendance at an evening school of said city, as provided in subdivision three of section five hundred and thirty-four of this chapter.

Penalty.

SEC. 533. Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of section five hundred and thirty-two hereof, shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than twenty nor more than fifty dollars; for a second, and each subsequent offense, a fine of not less than fifty nor more than two hundred dollars.

Records.

SEC. 534. 1. An accurate record of the attendance of all children between seven and sixteen years of age, shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such records shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

Certificate.

2. Any principal or chief executive officer of a school to whom application shall have been made for a school record required under the provisions of the labor law shall issue such school record to any child who, after due investigation and examination may be entitled to the same. Such school record shall be issued and signed by the principal or chief executive officer of the school which such child has attended and shall be furnished to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, writing, and spelling, English language and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

Evening-school certificate.

3. The school authorities of a city of the first class or a city of the second class, or officers designated by them, are hereby required to issue to a boy lawfully in attendance at an evening school, an evening school certificate at least once in each month during the months said evening school is in session and at the close of the term of said evening school: *Provided*, That said boy has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school shall be in session during the remainder of the current or calendar year, make up a total attendance on the part of said boy in said evening school of not less than six hours per week for a period of not less than sixteen weeks or attendance upon a trade school for at least eight hours per week for not less than sixteen weeks. Such certificate shall state fully the period of time which the boy to whom it is issued was in attendance upon such evening school or trade school.

SEC. 538. 1. The commissioner of education shall supervise the enforcement of this law and he may withhold one-half of all public school moneys from any city or district, which, in his judgment, willfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such willful omission and refusal shall, in his judgment, continue. Same.

CHAPTER 31.—*Labor law.*

[Chapter 36 of the Acts of 1909 enacted a consolidation of chapter 415 of the Acts of 1897, the former labor law of New York, and numerous antecedent and subsequent enactments amending or supplemental to the labor law, or covering in some degree the same subjects. The form of the present enactment is much the same as that of the earlier one. In the presentation given below changes are noted; and where the changes are of sufficient importance to warrant it the amended section is reproduced. Additions or amendments made by the legislatures of 1908 and of 1909 as new legislation are reproduced in their proper places.]

SECTION 1. [No change.]

SEC. 2. [The word "deputies" is substituted for the word "assistant," in the next to the last line.] Authority of commissioner extends to whom.

SEC. 3. [The provision as to hours of labor on public works is extended by chapter 292, Acts of 1909, to contracts to which "a commission appointed pursuant to law" is a party.] Labor on public works.

SEC. 4. [No change]

SECS. 5, 6. [Same as in the former law except that the two sections are transposed.]

SEC. 7. [No change.]

SEC. 8. [Same as section 7a, added by chapter 627, Acts of 1907.]

SEC. 9. [Same as section 8 of the former law.]

SEC. 10. [Same as section 9 of the former law, with the addition of the words "every corporation engaged in harvesting and storing ice" to the list of employers to whom the law is applicable.] Wages to be paid in cash.

SEC. 11. [Same as section 10 of the former law, except that steam surface railroads are required to pay the wages earned by their employees during the first half of each month on or before the first day of the succeeding month, and on or before the fifteenth day of each month the wages earned during the last half of the preceding calendar month.] Pay days.

SEC. 12 (as amended by chapter 206, Acts of 1909). If a corporation or a joint-stock association, its lessee or other person carrying on the business thereof, shall fail to pay the wages of all its employees, as provided in this article, it shall forfeit to the people of the State the sum of fifty dollars for each such failure, to be recovered by the commissioner of labor in his name of office in a civil action. Failure to conform to law.

SECS. 13, 14. [Same as sections 12 and 13 of the former law, section 14 of the old law being omitted as unconstitutional.]

SECS. 15 to 21. [No change, except for the substitution of the words "commissioner of labor" instead of the words "factory inspector" in the former law.] Enforcement of law as to safety of employees on buildings.

SECS. 40 to 48. [Same as sections 30 to 38 of the former law, except for the omission of the last sentence from former section 30, the substitution of the word "four" for "three" in former section 32, and the addition of a bureau of mercantile inspection to those therein named, with the corresponding necessary changes in former sections 33, 34.] Bureaus in department of labor.

SECS. 55, 56, 57. [Same as sections 40, 41, and 42.]

SECS. 60 to 92. [No change except as in sections 15 to 21, above, and the omission, by an amendment of 1909 (chapter 299), of the last sentence of section 79 and the last two sentences of section 81. (Provisions incorporated in section 93.)] Employment of women and children.

SEC. 93 (as amended by chapter 299, Acts of 1909). No child under the age of sixteen years shall be employed or permitted to work in operating or assisting in operating any of the following Certain employments of children prohibited.

machines: Circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood-polishing machinery; picker machines or machines used in picking wool, cotton, hair or any upholstery material; paper-lace machines; burnishing machines in any tannery or leather manufactory; job or cylinder printing presses having motive power other than foot; wood turning or boring machinery; stamping machines used in sheet metal and tinware manufacturing or in washer and nut factories; machines used in making corrugating rolls; steam boilers; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling-mill machinery, power punches or shears; washing, grinding or mixing machinery, calendar rolls in rubber manufacturing; or laundering machinery.

No child under the age of sixteen years shall be employed or permitted to work at adjusting or assisting in adjusting any belt to any machinery; oiling or assisting in oiling, wiping or cleaning machinery; or in any capacity in preparing any composition in which dangerous or poisonous acids are used; or in the manufacture or packing of paints, dry colors, or red or white lead; or in dipping, dyeing^(a) or packing matches; or in the manufacture, packing or storing of powder, dynamite, nitroglycerine, compounds, fuses, or other explosives; or in or about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; and no female under the age of sixteen shall be employed or permitted to work in any capacity where such employment compels her to remain standing constantly. No child under the age of sixteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator either for freight or passengers. No person under the age of eighteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator either for freight or passengers running at a speed of over two hundred feet a minute. No male person under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. No male child under the age of eighteen years, nor any female, shall be employed in any factory in this State in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured.

Women and children.

Who to make changes.

SEC. 94. [No change except that by chapter 426, Acts of 1908, tenants of tenant factories are made jointly liable with owners for the condition of stairways and for ventilation.]

Custodian defined.

SEC. 95. [No change.]

SEC. 96. The word "custodian" as used in this article shall include any person, organization or society having the custody of a child.

SECS. 100 to 125. [No change except as in sections 15 to 21, above.]

Accidents to be reported.

SEC. 126 (as amended by chapter 89, Acts of 1908). Whenever loss of life or an accident causing an injury incapacitating any person for work, shall occur in the operation of a mine or quarry, or in the construction or repair of a tunnel, the owner, agent, manager, lessee, contractor, subcontractor, or person in charge thereof, shall within forty-eight hours after the accident, death or injury report, in writing, all the facts connected therewith to the commissioner of labor. Such report shall state as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained

^a It is possible that *drying* was intended, as drying is an essential and dangerous process in matchmaking, while *dyeing* is not.

in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

Sec. 127. [No change.]

Secs. 128 to 134. [Same as sections 130 to 136 of the former law.]

Work in tunnels, etc., in compressed air.

(Added by chapter 291, Acts of 1909.)

SECTION 134-a. All work in the prosecution of which tunnels, caissons or other apparatus or means in which compressed air is employed are used shall be conducted subject to the following restrictions and regulations: When the air pressure in any compartment, caisson, tunnel or place in which men are employed is greater than normal and does not exceed twenty-eight pounds to the square inch, no employee shall be permitted to work or remain therein more than eight hours in any twenty-four hours and shall only be permitted to work under such air pressure provided he shall during such period return to the open air for an interval of at least thirty consecutive minutes, which interval his employer shall provide for. When the air pressure in any such compartment, caisson, tunnel or place shall exceed twenty-eight pounds to the square inch, and shall not equal thirty-six pounds to the square inch, no employee shall be permitted to work or remain therein more than six hours, such six hours to be divided into two periods of three hours each, with an interval of at least one hour between each such period. When the air pressure in any such compartment, caisson, tunnel or place shall equal thirty-six pounds to the square inch and shall not equal forty-two pounds to the square inch, no such employee shall be permitted to work or remain therein more than four hours in any twenty-four hours, such four hours to be divided into periods of not more than two hours each, with an interval of at least two hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-two pounds to the square inch and shall not equal forty-six pounds to the square inch, no employee shall be permitted to work or remain therein more than three hours in any twenty-four hours, such three hours to be divided into periods of not more than ninety minutes each, with an interval of at least three hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-six pounds to the square inch and shall not equal fifty pounds to the square inch, no employee shall be permitted to work or remain therein more than two hours in any twenty-four hours, such two hours to be divided into periods of one hour each, with an interval of not less than four hours between each such period; no employee shall be permitted to work in any compartment, caisson, tunnel or place where the pressure shall exceed fifty pounds to the square inch, except in case of emergency. No person employed in work in compressed air shall be permitted by his employer or by the person in charge of said work to pass from the lock in which the work is being done to atmosphere of normal pressure, without passing through an intermediate lock or stage of decompression, which said decompression shall be at the rate of three pounds every two minutes unless the pressure shall be over thirty-six pounds, in which event the decompression shall be at the rate of one pound per minute. Instruments shall be fitted in all caissons and air locks showing the actual pressure prevailing.

Hours of labor.

Decompression locks.

Sec. 134-b. Any person or corporation carrying on any work in the prosecution of which tunnels, caissons or other apparatus or means in which compressed air is employed are used shall employ and keep in employment during the prosecution of such work at the place where it is being carried on one or more duly qualified persons to act as medical officer or officers who shall be in at-

Medical attendance required.

tendance at all times while such work is in progress and whose duty it shall be to administer and strictly enforce the following:

Examina-
tions.

(a) No person shall be permitted to work in compressed air until after he shall have been examined by such medical officer and reported by such officer to the person in charge thereof as found to be qualified, physically, to engage in such work.

(b) In the event of absence from work, by an employee for three or more successive days for any cause, he shall not resume work until he shall have been reexamined by the medical officer and his physical condition reported as hitherto provided to be such as to permit him to work in compressed air.

(c) No person known to be addicted to the excessive use of intoxicants shall be permitted to work in compressed air.

(d) No person not having previously worked in compressed air shall be permitted during the first twenty-four hours of his employment to work for longer than one-half of a period as provided in section one hundred and thirty-four-a and after so working shall be reexamined and not permitted to work unless his physical condition be reported by the medical officer as heretofore provided to be such as to qualify him for such work.

(e) After a person has been employed continuously in compressed air for a period of three months he shall be reexamined by the medical officer and he shall not be allowed, permitted or compelled to work until such examination has been made and he has been reported as heretofore provided as physically qualified to engage in compressed air work.

Records.

(f) The said medical officer shall at all times keep a complete and full record of examinations made by him which record shall contain dates on which examinations were made and a clear and full description of the person examined, his age and physical condition at the time examined, also the statement as to the time such person has been engaged in like employment.

Dressing
rooms.

(g) Properly heated, lighted and ventilated dressing rooms shall be provided for all employees in compressed air which shall contain lockers and benches and shall be open and accessible to the men during the intermission between shifts. Such rooms shall be provided with baths, with hot and cold water service and a proper and sanitary toilet.

Medical lock.

(h) A medical lock shall be established and maintained in connection with all work in compressed air as herein provided. Such lock shall be kept properly heated, lighted and ventilated and shall contain proper medical and surgical equipment. Such lock shall be in charge of the medical officer.

Penalty.

SEC. 134-c. Every person who, or corporation which, shall violate or fail to comply with any of the foregoing provisions shall be guilty of a misdemeanor which shall be punishable by a fine of not less than two hundred and fifty dollars or imprisonment for one year or both.

SECS. 135, 136. [Same as sections 128 and 129 of the former law.]

SECS. 140 to 161. [No change.]

Age limit of
children in
mercantile es-
tablishments,
etc.

SEC. 162 (as amended by chapter 293, Acts of 1909). No child under age of fourteen years shall be employed or permitted to work in or in connection with any mercantile or other business or establishment specified in the preceding section, except that a child upward of twelve years of age may be employed therein in villages and cities of the second or third class, during the summer vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be so employed or permitted to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.

Certificate.

SECS. 163 to 166. [No change.]

SECS. 167 to 178. [The administration and enforcement of the provisions of these sections are committed to the commissioner of labor for establishments situated in a city of the first class. In section 171 the word "permitted" is substituted for the word "directed" in the first line.]

Bureau of mercantile inspection.

(Added by chapter 520, Acts of 1908.)

SECTION 180. There shall be a bureau of mercantile inspection, which shall be under the immediate charge of a mercantile inspector, but subject to the direction and supervision of the commissioner of labor. The mercantile inspector shall be appointed and be at pleasure removed by the commissioner of labor, and shall receive such annual salary not to exceed two thousand dollars as may be appropriated therefor.

SEC. 181. The commissioner of labor may appoint from time to time not more than ten deputy mercantile inspectors, not less than two of whom shall be women, and who may be removed by him at any time. The deputy mercantile inspectors may be divided into three grades, but not more than two shall be of the third grade. Each deputy inspector of the first grade shall receive an annual salary of one thousand dollars, each of the second grade an annual salary of one thousand two hundred dollars, and each of the third grade an annual salary of one thousand five hundred dollars.

SEC. 182. 1. The commissioner of labor may divide the cities of the first class of the State into districts, assign one or more deputy mercantile inspectors to each district, and may in his discretion transfer them from one district to another; he may assign any of them to inspect any special class or classes of mercantile or other establishments specified in article eleven of this chapter, situated in cities of the first class, or to enforce in cities of the first class any special provisions of such article.

2. The commissioner of labor may authorize any deputy commissioner or assistant and any special agent or inspector in the department of labor to act as a deputy mercantile inspector with the full power and authority thereof.

3. The commissioner of labor, the mercantile inspector and his assistant or assistants and every deputy or acting deputy mercantile inspector may in the discharge of his duties enter any place, building or room in cities of the first class where any labor is performed which is affected by the provisions of article eleven of this chapter, and may enter any mercantile or other establishment specified in said article, situated in cities of the first class, whenever he may have reasonable cause to believe that any such labor is performed therein.

4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the mercantile and other establishments specified in article eleven of this chapter situated in cities of the first class, as often as practicable, and shall cause the provisions of said article to be enforced therein.

5. Any lawful municipal ordinance, by-law or regulation relating to mercantile and other establishments specified in article eleven of this chapter, in addition to the provisions of this chapter and not in conflict therewith, may be enforced by the commissioner of labor in cities of the first class.

SEC. 183. The commissioner of labor shall make an annual report to the legislature of the operation of this bureau.

SEC. 184. A copy or abstract of the applicable provisions of this chapter, to be prepared and furnished by the commissioner of labor, shall be kept posted by the employer in a conspicuous place on each floor of every mercantile or other establishment specified in article eleven of this chapter, situated in a city of the first class, wherein three or more persons are employed who are affected by such provisions.

ARTICLE 14.—*Liability of employers for injuries to employees.*

Injuries caused by— SECTION 200. When personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time:

Defective machinery, etc.; 1. By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works or machinery were in proper condition;

Negligence of superintendent. 2. By reason of the negligence of any person in the service of the employer intrusted with and exercising superintendence whose sole or principal duty is that of superintendence, or in the absence of such superintendent, of any person acting as superintendent with the authority or consent of such employer;

Status of employee. The employee, or in case the injury results in death, the executor or administrator of a deceased employee who has left him surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this article, shall apply to an action brought by an executor or administrator of a deceased employee suing under the provisions of this article.

Notice. SEC. 201. No action for recovery of compensation for injury or death under this article shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and twenty days and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in this section, he may give the same within ten days after such incapacity is removed. In case of his death without having given such notice, his executor or administrator may give such notice within sixty days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury if it be shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

Limitation. The notice may be served by post by letter addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation, notice shall be served by delivering the same or by sending it by post addressed to the office or principal place of business of such corporation.

What risks assumed. SEC. 202. An employee by entering upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others. The necessary risks of the occupation or employment shall, in all cases arising after this article takes effect, be considered as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action main-

tained for the recovery of damages for personal injuries to an employee received after this article takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of, the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employee to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employee understood and assumed the risk of such injury, or was guilty of contributory negligence, by his continuance in the same place and course of employment with knowledge of the risk of injury, shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence. An employee, or his legal representative, shall not be entitled under this article to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury and failed, within a reasonable time, to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had intrusted to him some general superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer, or superior person, prior to such injuries to the employee.

Contributory negligence.
Questions for jury.

Failure to report defects.

SEC. 203. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this article, or to any relief society or benefit fund created under the laws of this State, may prove in mitigation of damages recoverable by an employee under this article such proportion of the pecuniary benefit which has been received by such employee from such fund or society on account of such contribution of the employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Contributions to insurance funds, etc.

SEC. 204. Every existing right of action for negligence or to recover damages for injuries resulting in death is continued and nothing in this article contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section two hundred and one of this article be a bar to the maintenance of a suit upon any such existing right of action.

Act construed.

SECS. 220 to 226. [Same as sections 174 to 179a of the former law.]

CHAPTER 40.—*Penal law—Violations of the labor law.*

[The sections of this law included under this head (sections 1270 to 1277) are in the main the same as sections 201 to 209 of the labor law as found in Birdseye's Revised Statutes, edition of 1901, with subsequent amendments.]

Section 1272 of the Penal Law is an amended form of section 206 of the former law as amended by chapter 205, Acts of 1909, and reads as follows:]

SECTION 1272. A corporation or joint-stock association or person carrying on the business thereof, by lease or otherwise, who does not pay the wages of all its employees in accordance with the provisions of the labor law, is guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one hundred nor more than ten thousand dollars for each offense. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the State in which such railroad ran at the time of such offense.

Payment of wages.

SEC. 1278. [Same as section 212 of the former law.]
20092—No. 85—10—16

ACTS OF 1909.^(a)CHAPTER 518.—*Commission on employers' liability and unemployment.*

Governor to
appoint.

SECTION 1. Within twenty days after this act takes effect there shall be appointed in the manner hereinafter provided, a commission which shall consist of fourteen persons whose duty it shall be to make inquiry, examination and investigation into the working of the law in the State of New York relative to the liability of employers to employees for industrial accidents, and into the comparative efficiency, cost, justice, merits and defects of the laws of other industrial States and countries, relative to the same subject, and as to the causes of accidents to employees; and it shall also be the duty of the said persons to make inquiry, examination and investigation into the causes of unemployment in the State of New York particularly in the city districts, and into the lack of adequate labor in other sections of the State, particularly in the farming districts, with a view to recommending permanent ways and means for remedying the condition of the unemployed and securing a better distribution of labor. Said commission shall, if practicable, submit a full and final report, including such recommendations for legislation by bill or otherwise, as in its judgment may seem proper, to the legislature of nineteen hundred and ten, but if it shall not be practicable to report finally thereto, the said commission shall submit its final report to the legislature of nineteen hundred and eleven.

Expenses.

SEC. 2. The members of the said commission shall serve without compensation, except that each shall be entitled to his actual necessary expenses incurred in the performance of his duties under the provisions of this act. The appointments shall be made as follows: Six of the said persons shall be appointed by the governor, three shall be appointed by the president of the senate from the senate and five shall be appointed by the speaker of the assembly from the assembly.

Powers.

SEC. 3. For the purposes of its investigation the said commission is hereby authorized to send for persons and papers, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subjects referred to in the first section of this act, to purchase books and supplies, and to employ all necessary clerical and other assistance, within the appropriation therefor. If the said commission shall appoint from its members subcommittees to make inquiry into one or more of the subjects referred to in the first section, said subcommittees shall have the same powers as to sending for persons and papers, administering of oaths and the examination of witnesses and papers, as are herein conferred upon the commission.

Appropriation.

SEC. 4. For this purpose the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated.

Commissioner of labor
to cooperate.

SEC. 5. The commissioner of labor is hereby directed to cooperate with said commission and to render it any such proper aid and assistance by the department of labor as in his judgment may not interfere with the proper conduct of such department.

Became a law May 27, 1909.

CHAPTER 559.—*Leave of absence for employees in public service—Greater New York.*

SECTION 1. Title three of chapter twenty-three of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding thereto a new section, to be section fifteen hundred and sixty-seven thereof, to read as follows:

Leave may
be granted.

Sec. 1567. The executive heads of the various departments are authorized and empowered to grant to every employee of the city

^a Not included in the revision of 1909.

of New York, or of any department or bureau thereof, a vacation of not less than one week in each year and for such further period of time as the duties, length of service and other qualifications of an employee may warrant, at such time as the executive head of the department or any officer having supervision over said employee may fix, and for such time they shall be allowed the same compensation as if actually employed, except that no such vacation shall be granted to per diem employees for longer than one week, and only during the months of June, July and August.

Became a law May 28, 1909.

NORTH CAROLINA.

ACTS OF 1909.

CHAPTER 285.—*Sunday labor.*

[This chapter amends section 2613, Revisal of 1905, so that said section now reads:] No railroad company shall permit the loading or unloading of any freight car on Sunday; nor shall permit any car, train of cars, or locomotive to be run on Sunday on any railroad, except in case of accident and except such as may be run for the purpose of transporting the United States mails and passengers with their baggage, and ordinary express freight in express cars exclusively, and except such as shall be run for the purpose of transporting fruits, vegetables, live stock and perishable freights. Where there are not sufficient cars of live stock or other perishable freights to make a complete train, or section of a train, the company may add other cars to complete the same: *Provided*, That solid trains, made up of through freight cars, reaching on Sunday any point upon any railroad in North Carolina and destined for some point or points beyond the limits of the State of North Carolina, may be continued as a solid through freight train along the line of said railroad through the State of North Carolina, without stopping said train for other purposes than to take on fuel and receive necessary running orders: *Provided*, The word Sunday in this section shall be construed to embrace only that portion of the day between sunrise and sunset; and trains in transitu, having started on Saturday, may, in order to reach the terminus or shops, run until nine o'clock a. m. on Sunday, but not later, nor for any other purpose than to reach the terminus or shops.

Ratified this the 23d of February, A. D. 1909.

CHAPTER 446.—*Safety appliances on railroads—Locomotive headlights.*

SECTION 1. Every company, corporation, lessee, manager or receiver owning or operating a railroad in this State is hereby required to equip and maintain and use upon each and every locomotive in operation in railroad service on main lines in this State an electric or power headlight of at least one thousand five hundred candlepower, measured without the aid of a reflector: *Provided*, That only twenty-five per cent of said locomotives not now so equipped shall be required to be so equipped or used by April first, one thousand nine hundred and ten; another twenty-five per cent by April first, one thousand nine hundred and eleven; another twenty-five per cent by April first, one thousand nine hundred and twelve, and the remainder by April first, one thousand nine hundred and thirteen: *Provided*, That this act shall not apply to locomotive engines regularly used in switching cars or trains: *And further providing* That this act shall not apply to locomotive engines used exclusively between sunup and sundown, nor going to nor returning from repair shops when ordered in for repairs: *Provided further*, That this act shall not apply to independently owned and operated railroad companies in this State whose mile-

Operation of
railroads.

Headlights
required.

age of road in this State is one hundred and twenty-five miles or less, nor to railroads having only lines extending into this State, no one of which is one hundred miles in length in this State: *Provided further*, The corporation commission may relieve from the operation of this act such locomotives and roads or parts or sections or branches of roads upon which the said corporation commission may deem electric or power headlights not advisable: *Provided further*, That should an engine start on a trip with the headlight in good working condition, and from some unavoidable cause such headlight becomes disabled and can not be repaired on the line of the road on which such run is being made, there shall be nothing in this act to prevent said engine from continuing on said trip, and the railroad shall not be liable for prosecutions on account of such failure.

Violations.

SEC. 2. That any company, corporation, lessee, manager or receiver violating the provisions of this act shall be guilty of a misdemeanor.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 504.—*Exemption of wages from execution—Unlawful assignments.*

Sending
claims out of
State.

SECTION 1. No resident creditor or other holder of any book account, negotiable instrument, duebill or other monetary demand arising out of contract, due by or chargeable against any resident wage-earner or other salaried employee of any railway corporation or other corporation, firm or individual engaged in interstate business shall send out of the State, assign or transfer the same, for value or otherwise, with intent to thereby deprive such debtor of his personal earnings and property exempt by law from application to the payment of his debts under the laws of the State of North Carolina, by instituting or causing to be instituted thereon against such debtor, in any court outside of this State, in such creditor's own name or in the name of any other person, any action, suit or proceeding for the attachment or garnishment of such debtor's earnings in the hands of his employer, when such creditor and debtor and the railway corporation or other corporation, firm or individual owing the wages or salary intended to be reached are under the jurisdiction of the courts of this State.

Aiding viola-
tions.

SEC. 2. No person residing or sojourning in this State shall counsel, aid or abet any violation of the provisions of section one of this act.

Violations.

SEC. 3. Any person or persons violating any provision of sections one and two of this act shall be answerable in damages to any debtor from whom any book account, negotiable instrument, duebill or other monetary demand arising out of contract shall be collected, or against whose earnings any warrant of attachment or notice of garnishment shall be issued, in violation of the provisions of section one of this act, to the full amount of the debt thus collected, attached or garnisheed, to be recovered by civil action in any court of competent jurisdiction in this State; and any person so offending shall likewise be guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars.

Evidence.

SEC. 4. In any civil or criminal action instituted in any court of competent jurisdiction in this State for any violation of the provisions of sections one and two of this act, proof of the institution or prosecution of any action, suit or proceeding in violation of the provisions of section one hereof, or the issuance of service therein of any warrant of attachment, notice or garnishment or other like writ for the garnishment of the earnings of the defendant therein, or of the payment by the garnishee therein of any final judgment rendered in any such action, suit or proceeding shall be deemed prima facie evidence of the intent of the creditor or other holder of the debt sued upon to deprive such debtor of his personal earnings and property exempt from application to the payment of his debts under the laws of this State, in violation of the provisions of this act.

SEC. 5. No provision of this act shall be so construed as to deprive any person entitled to its benefits of any legal or equitable remedy already possessed under the laws of this State. Construction of act.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 637.—*Fire escapes on factories, etc.*

SECTION 3. All doors for ingress and egress * * * of all * * * factories with more than twenty employees * * * which shall hereafter be erected, together with all those heretofore erected and which are still in use as such buildings * * * shall be so hung as to open outwardly from the * * * workshops of such buildings or places: *Provided*, That said doors may be hung on double hinges, so as to open with equal ease outwardly or inwardly. Doors to open outwardly.

SEC. 4. All factories, manufactories, establishments or workshops of three or more stories in height, in which thirty or more people are employed above the first floor thereof, shall be provided with one or (if the proper officials shall deem necessary) more outside fire escapes, not less than six feet in length and three feet in width, properly and safely constructed, guarded by iron railings not less than three feet in length and taking in at least one door and one window or two windows at each story and connected with the interior by easily accessible and unobstructed openings; and the said fire escapes shall connect by iron stairs not less than twenty-four inches wide, the steps to be not less than six inches tread, placed at not more than an angle of forty-five degrees slant and protected by a well-secured hand rail on both sides, with a twelve-inch wide drop ladder from the lowest platform reaching to the ground; that no outside fire escapes shall be required where there are already sufficient inside stairways; that for every twenty people employed on any floor above the second floor of every factory and workshop there shall be one rope or portable fire escape, and that each story shall be amply supplied with means for extinguishing fires; that all the main doors, both inside and outside, in factories, except fire doors, shall open outwardly when the proper official shall so direct, and that no outside or inside door of any building wherein operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent egress. Fire escapes.

SEC. 5. * * * every building in which twenty or more persons are employed above the second story in a factory, workshop or mercantile or other establishment, the owner or agent of the owner of which said buildings is notified in writing by the insurance commissioner or any one of his deputies, shall be provided with proper ways of egress or other means of escape from fire sufficient for the use of all persons * * * employed * * * in such building or buildings, and such ways of egress and means of escape shall be kept free from obstructions, in good repair and ready for use. Every room above the second story in any such building in which twenty or more persons are employed shall be provided with more than one way of egress by stairways on the inside or outside of the building. All doors in any building subject to the provisions of this act shall open outwardly, if the insurance commissioner or one of his deputies shall direct in writing. Other provisions.

SEC. 6. The insurance commissioner is charged with the execution of this law, and the said commissioner or chief of the fire department are hereby vested with all privileges, duties and obligations placed upon them in section four, chapter fifty-eight, Public Laws of one thousand eight hundred and ninety-nine, in regard to the inspection of buildings for the purpose of enforcing the provisions of this act in regard to the buildings and requirements herein, and any owner or occupant of premises failing to comply with the provisions of this act in accordance with the orders of Means of egress.

Enforcement.

Violations.

the authorities above specified shall be guilty of a misdemeanor and punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect: *Provided, however,* That if any owner or lessee of any building referred to in this act shall deem himself aggrieved by any ruling or order of any chief of fire department or local inspector, he may within twenty-four hours appeal to the insurance commissioner, and the cause of complaint shall at once be investigated by the direction of said commissioner, and unless by his authority the order or ruling is revoked it shall remain in full force and effect and be forthwith complied with by said owner or lessee.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 857.—*Seats for female employees.*

Seats to be provided.

SECTION 1. All persons, firms or corporations who employ females in a store, shop, office or manufacturing establishment, as clerks, operatives or helpers in any business, trade or occupation carried on or operated in the State of North Carolina, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests or stools as may be necessary, and shall not make any rules, regulations or orders preventing the use of such seats, stools or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment.

Violations.

Sec. 2. If any employer of female help in the State of North Carolina shall fail, neglect or refuse to provide seats, as provided in this act, on or before the first day of June, one thousand nine hundred and nine, or shall make any rules, orders or regulations in his or its shop, store or other place of business requiring females to remain standing when not necessarily employed or engaged in service or labor therein, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 858.—*Blacklisting.*

Blacklisting forbidden.

SECTION 1. If any person, agent, company or corporation, after having discharged any employee from his or its service, shall prevent or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, such person, agent or corporation shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, and such person, agent, company or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action; but this section shall not be construed as prohibiting any person or agent of any company or corporation from informing, in writing, upon request, any other person, company or corporation to whom such discharged person or employee has applied for employment a truthful statement of the reason for such discharge.

Agreement to blacklist.

Sec. 2. It shall be unlawful for two or more persons to agree together to blacklist any discharged employee or to attempt, by words or writing or any other means whatever, to prevent such discharged employee or any employee who may have voluntarily left the service of his employer from obtaining employment with any other person or company. Such persons violating the provisions of this section shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court.

Ratified this the 8th day of March, A. D. 1909.

NORTH DAKOTA.]

ACTS OF 1909.]

CHAPTER 46.—Barbers—Regulations of practice.

SECTION 1. Registered barbers or barber apprentices, and all persons engaged in hairdressing and manicuring, must disinfect all tools used in the performance of their profession before they are brought in direct contact with the person of any one of their customers. This disinfection must be carried on in a manner approved by the board of health of the State of North Dakota.

SEC. 2. Any violation of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

Approved March 15, 1909.

CHAPTER 153.—Employment of children—General provisions.

SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session.

SEC. 2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any mine, factory, workshop or mercantile establishment unless the person or corporation employing him procures and keeps on file and accessible to the superintendent of schools of the city or village, if one is employed, otherwise, to the clerk of the school board or board of education, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such child is employed. On termination of the employment of a child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The superintendent of schools or clerk of the school board or board of education, as the case may be, may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The superintendent of schools of the city or village or clerk of the school board or board of education may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the superintendent of schools of the city or village or the clerk of the school board or board of education, as the case may be, within ten days after such demand, such evidence of age herein required by him and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this act that such child is under sixteen years of age and is unlawfully employed.

Tools to be
disinfected.

Violations.

Age limit.

Employment
during school
term.

Certificates.

Files.

Enforcement.

Evidence.

Who may issue certificates.

SEC. 3. The superintendent of schools of the city or village, if one is employed, and if not, then the clerk of the school board or board of education, is hereby authorized to issue an employment certificate in writing, such certificate to be issued upon the evidence prescribed in section four of this act: *Provided*, That no employment certificate shall be issued for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee.

Evidence.

SEC. 4. The person authorized to issue employment certificate shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed:

1. The school record of such child properly filled out and signed as provided in this act.

2. A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child.

3. The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Literacy.

Description of child.

SEC. 5. Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

School record.

SEC. 6. The school record required by this act shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and twenty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent, guardian or custodian.

Hours of labor.

SEC. 7. No persons under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than sixty hours in any one week, nor more than eight hours

Night work.

in any one day [sic]; or before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening. Every

employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the superintendent of schools of the city or village, or the clerk of the school board or board of education, and the employment of any minor for longer times in any day so stated shall be deemed a violation of this section.

SEC. 8. Peace officers may visit mines, factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act; and it shall be their duty to report any cases of such illegal employment to the school board or board of education. Such officer may require that the employment certificates and lists provided for in this act of minors employed in such factories, mines, workshops or mercantile establishments shall be produced for their inspection. Complaints for offenses under this act may be made by such peace officer or by any other person cognizant of the facts.

Enforcement.

SEC. 9. No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wood joiners, [jointers] planers, sandpaper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough brakes, or cracker machinery of any description; wire or iron straightening machinery; nor shall they operate or assist in operating rolling-mill machinery, punches or shears, washing, grinding or mixing mill or calender rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors, or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold; nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly.

Employments forbidden.

SEC. 10. Each owner, superintendent, manager or overseer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child contrary to the provisions of this act or who shall in any manner violate the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offense in a sum not less than twenty dollars nor more than fifty dollars and costs. Each person authorized to sign a certificate as prescribed in the preceding section who certifies to any material false statement therein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars and costs.

Violations.

Approved March 11, 1909.

CHAPTER 190.—*Railroads—Construction and equipment of cabooses.*

SECTION 1. On and after the first day of July, 1910, it should [sic] be unlawful for any person, corporation or company operating any railroad or railway in this State to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms and shall be provided with a door in each end thereof and with suitable cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two four-wheel trucks.

Length.
Equipment.

Violations.

SEC. 2. Any person, corporation or company operating any railroad or railway in the State violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

Approved March 16, 1909.

OHIO.

ACTS OF 1908.

Use of intoxicants on engines, trains, etc.

(Page 12.)

Drinking on
engines, etc.

SECTION 1. It shall be unlawful for any person to drink whisky, beer, ale or any other intoxicating beverage while aboard any engine or car or train of cars in this State, propelled by steam or electricity, except in a dining café or other car with buffet or café attachment.

Violations.

SEC. 2. Anyone violating the provisions of this act shall be fined not less than five dollars nor more than one hundred dollars for each offense.

Approved February 14, 1903.

Mine regulations—Qualifications of miners.

(Page 21.)

Experience
required.

SECTION 1. Every person desiring to work by himself as a miner in the coal mines of this State shall first produce satisfactory evidence to the mine boss of the mine in which he is employed, or desires to be employed, that he has worked at least one year with, or as a practical coal miner. Until said applicant has so satisfied the mine boss of the mine in which he seeks such employment of his competency, he shall not be allowed to mine coal unless accompanied by some competent coal miner, until he becomes duly qualified: *Provided*, That this act shall only apply to mines generating fire damp, gas or combustible matter.

Proviso.

Violations.

SEC. 2. Any person violating section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction be fined, not more than two hundred dollars, nor less than twenty-five dollars, at the discretion of the court.

Approved February 26, 1908.

Liability of railroad companies for injuries to employees.

(Page 25.)

Injury
caused by—

SECTION 1. Every railroad company operating any railroad which is in whole or in part within this State shall be liable for all damages sustained by any of its employees by reason of personal injury or death of such employee:

Defective appliances;

1. When such injury or death is caused by a defect in any locomotive, engine, car, hand car, rail, track, machinery or appliance required by such company to be used by its employees in

and about the business of their employment, if such defect could have been discovered by reasonable and proper care, tests or inspection; and proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company; and any such employee of such railroad company who may be injured or killed as a result of any such defect, shall not be deemed to have assumed the risk occasioned by such defect, although continuing in the employment of such railroad company after knowledge of such defect; nor shall continuance in employment after such knowledge by any employee be deemed an act of contributory negligence.

2. While any such employee is engaged in operating, running, riding upon or switching passenger, freight or other trains, engines or cars, and while engaged in the performance of his duties as such employee, and when such injury shall have been caused by the carelessness or negligence of any other employee, officer or agent of such company, in the discharge of or for failure to discharge his duties as such. Negligence of fellow-servant.

Sec. 2. In all actions hereafter brought against any railroad company operating any railroad in whole or in part within this State, for personal injury to an employee or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence, shall not bar a recovery where his contributory negligence was slight and that of the employer was greater in comparison. But the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury. Comparative negligence.

Approved February 28, 1908.

Employment of children—General provisions.

(Page 30.)

SECTION 1. Section[s] 1, 2 and 3 of an act * * * [Secs. 6986-7, 6986-8, 6986-9 of the Revised Statutes] and section 4 of the aforesaid act. * * * [Sec. 6986-10] [shall] be amended so as to read as follows:

Section 1. No person, firm, company or corporation operating a factory, workshop, business office, telephone or telegraph office, restaurant, bakery, hotel, apartment house, mercantile or other establishment shall at any time employ, permit or suffer a child under the age of fourteen years to work in or in connection with any of the aforesaid establishments, nor in the distribution or transmission of merchandise or messages; nor shall a child between fourteen and sixteen years of age be employed, permitted or suffered to work in or in connection with any of the aforesaid establishments, nor in the distribution or transmission of merchandise or messages, without first procuring from the proper authority the age and schooling certificate prescribed in section 4022-2 of the Revised Statutes of Ohio. The aforesaid certificate shall be filed in the office of the establishment in which or in connection with which the child works, and shall be produced for inspection upon request of the chief or district inspector of workshops and factories, or a truant officer. On termination of the employment or service of a child whose certificate is filed as aforesaid, the certificate of said child shall be forthwith returned by the person or agent having charge of or the management of any of the aforesaid establishments to the superintendent of public schools, or such other person who, acting under legal authority, may have issued the aforesaid certificate. Age limit.

Nor shall a boy under sixteen years of age, nor a girl under eighteen years of age be employed, permitted or suffered to work in or in connection with any of the aforesaid establishments, nor in the distribution or transmission of merchandise or messages, more than forty-eight hours in any one week, nor more than eight hours in any one day; nor before the hour of seven o'clock in Hours or labor.

Certificates.

Night work. the morning, nor after the hour of six o'clock in the evening, and every such minor shall be entitled to no less than thirty minutes for mealtime, but such mealtime shall not be included as a part of the work hours of the week or day.

Registers. Every person or agent having charge of or the management of any of the aforesaid establishments shall keep a correct record in which shall be recorded the name, birthplace, date of birth, and place of residence of every boy between fourteen and sixteen years of age and every girl between fourteen and eighteen years of age, and shall post in a conspicuous place in every room where such minors work a printed notice stating the maximum number of work hours a day and week; the notice shall be formulated by the chief inspector of workshops and factories, and approved by the attorney-general, and shall be furnished by the chief inspector upon application.

Evidence of violation. Failure to produce for inspection the age and schooling certificate, together with the aforesaid record, shall be prima facie evidence of the illegal employment or service of any child whose age and schooling certificate is not produced, or whose record is not correctly kept.

Medical certificate. Any child working in or in connection with any of the aforesaid establishments, or in the distribution or transmission of merchandise or messages, who appears to the inspector of workshops and factories to be under the legal age, or who refuses to give to the inspector his or her name, age and place of residence, shall be forthwith conducted by the inspector to the office of the judge of the juvenile or probate court for examination. If the inspector is in doubt as to the physical fitness of a boy under sixteen years of age, or a girl under eighteen years of age found working in or in connection with any of the aforesaid establishments, or in the distribution or transmission of merchandise or messages, he shall require a certificate signed by a medical officer of the board of health certifying that such child is of sound health and physically able to perform the work or service he or she is required to do, and every such health certificate shall be signed by the child in whose name it is issued in the presence of the officer issuing the same, and which examination shall be made and certificate issued without any expense whatever to said child.

Employments prohibited. Sec. 2. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations: Sewing machine belts, in any workshop or factory or assisting in sewing machine belts in any workshop or factory in any capacity whatever; adjusting any belt to any machinery; oiling, or assisting in oiling, wiping or cleaning machinery; operating, or assisting in operating circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood-polishing machinery; job or cylinder printing presses operated by power other than foot; emery or polishing wheels used for polishing metal; wood turning or boring machinery; stamping machines used in sheet metal and tinware manufacturing; stamping machines in washer and nut factories; corrugating rolls, such as are used in roofing and washboard factories; steam boilers, steam machinery, or other steam-generating apparatus; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling-mill machinery, punches or shears; washing, grinding or mixing mills; calender rolls in rubber manufacturing; laundering machinery; passenger or freight elevators; nor in any capacity in preparing any composition in which dangerous or poisonous acids are used; manufacture of paints, colors or white lead; dipping, dyeing^(a) or packing matches; manufacturing, packing, or storing powder, dynamite, nitroglycerine, compounds, fuses or other explosives; manufacture of goods for immoral purposes; nor as pin boys in bowling alleys; nor in or about any distillery, brewery, or any other establishment where malt or alcoholic

^a It is possible that *drying* was intended, as drying is an essential and dangerous process in matchmaking, while *dyeing* is not.

liquors are manufactured, packed, wrapped or bottled; nor in any hotel, theater, concert hall, drug store, saloon, or place of amusement wherein intoxicating liquors are sold; nor in any other employment that may be considered dangerous to their lives and limbs, or where their health may be injured or morals depraved; nor shall females under the age of sixteen years be employed in any capacity where such employment compels them to remain standing constantly; nor in assorting, manufacturing or packing tobacco.

Sec. 3. Any person, firm, company or corporation who shall employ, permit or suffer any child to work contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall, upon conviction, be fined not less than twenty-five dollars, nor more than fifty dollars, and all fines collected under this act shall inure to the benefit of the school fund of the district where the offense was committed.

Violations.

Any justice of the peace, police judge, or mayor of any city or village, shall have the same jurisdiction provided in section 3718a of the Revised Statutes of Ohio in all cases of prosecution for the violation of any of the provisions of this act.

Sec. 4. The chief inspector of workshops and factories shall, with the approval of the governor, designate eight visitors who shall be women and shall make such rules and regulations for their direction and guidance as shall secure uniformity of action and proceedings throughout the State. Such visitors shall receive the same compensation as the district inspectors of workshops and factories, payable in the same manner, and the necessary traveling expenses incurred by such visitors shall be paid in the same manner and subject to the same limitations as are authorized and imposed by section 4238j, Revised Statutes, as to such district inspectors. Such visitors shall visit all shops and factories in their respective districts in which women or children are employed, including mercantile establishments as often as possible, to see that all the provisions and requirements of this act relating to the employment of women or children are strictly observed and carried out; they shall carefully inspect the sanitary condition of the same and they shall examine the system of sewage in connection with such shops, factories and establishments, the situations and conditions of water-closets or urinals in and about such shops and factories for the use of women or children and also the system of heating, lighting and ventilating all rooms of such shops and factories wherein women or children are employed at daily labor; and also the means of exit from all such places in case of fire or other disaster; and also all belting, shafting, gearing, elevators, drums and machinery of every kind and description in and about such shops and factories and see that the same are not located so as to be dangerous to such women or children so employed when engaged in their ordinary duties, and that the same, as far as practicable, are securely guarded and that every vat, pan or structure filled with molten metal or hot liquid shall be surrounded with proper safeguards for preventing accident or injury to women or children employed in such shop or factory; and that all such are in proper sanitary condition and are adequately provided with means of escape in case of fire or other disaster. Such visitors shall have entry into all shops, factories and mercantile establishments including all public institutions of the State which have shops and factories or either, at any reasonable time, and it shall be unlawful for the proprietor, agent or servants in any such factories or shops to prevent, at reasonable hours, their entry into such shops and factories for the purpose of such inspection. Such visitors, if they find upon such inspection, that any of the provisions of this act or any of the acts relating to buildings, factories or to the employment of women or children are being violated or that the heating, lighting, ventilation or sanitary arrangements for women and children of any shop, factory

Enforcement.

or mercantile establishment are such as to be injurious to the health of such women or children employed or residing therein, shall notify the chief inspector of workshops and factories who may notify the owner, proprietor or agent of such shop, factory or mercantile establishment as provided in section 3248-f Revised Statutes, and may proceed to prosecute such violation of the law as therein provided. The chief and all district inspectors shall have authority, the same as is vested in the truant officer of any school district, to enforce school attendance of any child found violating the school laws, or, he shall make complaint of such violation to such truant officer or to the clerk of the board of education in said district.

Approved February 28, 1908.

Mine regulations—Blasting.

(Page 55.)

Powder.

SECTION 1. No blasting powder or other explosives shall be stored in any coal mine, and all powder sold to miners by the keg shall be packed in kegs which have an opening at the edge two inches in circumference, and that can be conveniently opened to avoid the dangerous use of picks to open the same; and no workman shall have at any one time more than one 25-pound keg of black powder in the mine, nor more than three pounds of high explosives; and no explosive shall be taken into or out of any part of the mine in mine cars propelled by electric power; and no person shall keep blasting powder, or explosives, dangerously near the electric wire or power cable in any part of the mine where electric wires are in use.

Boxes to be locked.

(a.) Every person who has powder or other explosives in a mine, shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track, and no two powder boxes shall be kept within twenty-five feet of each other, nor shall black powder and high explosives be kept in the same box.

Opening box.

(b.) Whenever a workman is about to open a box or keg containing powder or other explosives, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive and in such position that the air current can not convey sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other explosives with a lighted lamp, lighted pipe or other thing containing fire.

Tamping charge.

(c.) In the process of charging and tamping a hole, whenever in the opinion of the mining department this becomes necessary, the needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least five inches of copper. No coal dust nor any material that is inflammable, or that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive.

Firing shots.

(d.) A miner who is about to fire a shot with a manufactured squib shall not shorten the match, saturate it with mineral oil nor ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and if it be a rib shot, he shall notify the person or persons working next to him on said rib before said shot, and shall take measures to prevent anyone approaching by shouting "fire" immediately before lighting the fuse; no person shall return to a missed shot until five minutes have elapsed. And when it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

Violations.

SEC. 2. Any person violating any part of this act, shall be deemed guilty of a misdemeanor, and upon conviction be fined, not more than one hundred dollars, nor less than five dollars, at the discretion of the court.

Approved April 3, 1908.

Railroads—Contracts with relief associations.

(Page 71.)

SECTION 1. Section 3270 of the Revised Statutes of Ohio, [shall] be amended to read as follows:

Section 3270. * * * No railroad company now existing, or hereafter created, under and by virtue of the laws of this State or of any other State or country, and having and operating a line of railway in this State, may establish or maintain or assist in establishing or maintaining any relief association or society, any of the rules or by-laws of which shall require of any person or employee becoming a member thereof to enter into a contract, agreement or stipulation, directly or indirectly, whereby such person or employee shall stipulate, or agree to surrender or waive any right of damages against any railroad company for personal injuries or death, or whereby such person or employee agrees to surrender or waive, in case he asserts such claim for damages, any right whatever.

Contracts of waiver forbidden.

Approved April 8, 1908.

Fire escapes, etc., on factories.

(Page 83.)

SECTION 1. Section 2573 of the Revised Statutes, as amended April 19, 1883, shall be so amended as to read as follows:

Section 2573. It shall be the duty of any owner or agent for owner of any factory, workshop, tenement house, inn, or public house, if such factory, workshop, tenement house, inn, or public house be more than two stories high, to provide convenient exits from the different upper stories of said building, which shall be easily accessible in case of fire, * * * and it shall be the duty of any owner or agent for owner of any factory, workshop, tenement house, inn, or public house, if such factory, workshop, tenement house, inn, or public house, be more than three stories high, in addition to the provisions governing three-story buildings, to provide a life-saving device or net, which shall be approved by the fire chief of the city, or village in which such factory, workshop, tenement house, inn, or public house is situated, or if any such building be situated outside of the city or village, said life-saving device or net herein provided for shall be approved by the state inspector of workshops and factories; that said life-saving device or net shall be kept on the first floor at or near the entrance of said factory, workshop, tenement house, inn, or public house.

Exits to be provided.

Nets, etc.

Approved April 9, 1908.

Mine regulations.

(Page 106.)

SECTION 1. Section 290 [shall] be supplemented by the enactment of section 290b and sections 290a, 292, 294, 296, 297, 298, 299 and 301 of the Revised Statutes of Ohio, are hereby amended, so as to read as follows:

Section 290b. In addition to the qualifications provided for in section 290 of the Revised Statutes, any person hereafter appointed chief inspector of mines must have had at least five years actual practical experience in mining in the State and have a knowledge of the uses and dangers of electricity as applied in mines.

Inspector to be experienced.

Sec. 290a. [This section is amended by providing for the appointment of five instead of two additional district inspectors, and the division of the State into ten instead of seven districts.]

Inspectors and districts.

Sec. 292. [This section is amended so as to require inspection of all mines not less than once every three months.]

Frequency of inspection.

- Office of inspector. Sec. 294. The chief inspector shall have an office in the state-house, in which shall be carefully kept the maps and plans of all mines in the State, and all records, correspondence, papers, apparatus and property pertaining to his duties, belonging to the State, and shall be handed over to his successor in office; the district inspectors shall keep their offices in such place in their respective districts, as will be most central and convenient to the mining region of their respective districts, and shall keep and preserve in their offices all maps, plans, surveys and other papers belonging to their offices, in such manner as shall be of easy access and convenient reference to persons entitled to examine them.
- Of district inspectors. The district inspectors shall receive an annual salary of twelve hundred dollars (\$1,200) per annum, and all necessary and legitimate expenses incurred by them in the discharge of their duties, to be approved by the chief inspector not to exceed sixty-five dollars per month for each inspector, itemized statements of which expenses shall be filed with the auditor of state, and the chief inspector shall receive the same salary as is now provided for inspector of mines under section twelve hundred and eighty-four of the Revised Statutes, and in addition thereto all his necessary and legitimate expenses incurred by him as chief inspector, not to exceed sixty-five dollars per month, itemized statements of which expenses shall be filed with the auditor of state: *Provided, however,* That any public officer who knowingly accepts any payment from any mine inspector for political purposes shall forfeit his office and any person who accepts any contribution of money or any thing of value from any mine inspector for use in any political campaign or for any campaign purpose shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not more than six months.
- Salaries, etc. Sec. 296. [This section is amended by the insertion of the words "for each vein" in the clause requiring the furnishing of a map or plan of the working of any mine having an excavation of not less than fifteen thousand cubic yards.]
- Maps and plans. Sec. 297. [This section is amended by the insertion of the following new matter after the sentence, "The cage or cages, and other means of egress shall at all time[s] be available for the persons employed, where there is no second outlet":]
- Miners to be hoisted. And for thirty minutes before time to hoist coal in the morning, and for thirty minutes after quitting time, the men shall have the right to be lowered, and hoisted out on the cages, and when the stock is taken down, in the morning and hoisted out after quitting time then the men shall be allowed every other cage with the drivers and when six or more shall desire the cage the same right shall apply. At every shaft operated by steam power, the operator must station at the top and at the bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing the rules governing the carriage of men on cages. Said top man and bottom man shall be at their respective posts of duty at least thirty minutes before the hoisting of coal begins in the morning, and remaining for thirty minutes after hoisting coal ceases for the day.
- Shaft men. Sec. 298. The owner or agent of every coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than 100 cubic feet, per minute, per person, employed in such mine, which shall be circulated and distributed throughout the mine in such manner as to dilute, render harmless and expel the poisonous and noxious gases from each and every working place in the mine, and no working place shall be driven more than sixty feet in advance of a break through, or air way; and all break throughs, or air ways, except those last made near the working faces of the mine shall be closed up and made air-tight by brattice and trapdoors and all such brattices in the main inlet and the main outlet for air shall be built in a substantial manner as may be authorized by the state mine inspector or his deputy with brick and cement, and all other places that the mine inspector may deem it necessary shall be built with
- Ventilation.

the same material, so that the currents of air in circulation in the mine may sweep to the interior of the mine, where the persons employed in such mine are at work, and all mines governed by the statute shall be provided with artificial means of producing ventilation, such as forcing or suction fans, exhaust steam, furnaces or other contrivances, of such capacity and power as to produce and maintain an abundant supply of air, and all mines generating fire damp shall be kept free from standing gas and every working place shall be carefully examined every morning with a safety lamp, by a competent person or persons, before any of the workmen are allowed to enter the mine, and when working places are discovered in which accumulations of gas exist, he shall place a conspicuous mark thereat as notice to all men to keep out until such places shall have been made safe, and at once report his finding to the mine boss. All underground entrance[s] to any places not in actual course of working or extension shall be properly fenced across the whole width of such entrances so as to prevent persons from inadvertently entering the same.

Sec. 299. [This section is amended by the insertion of the following new matter relative to cages for hoisting:]

Cages.

And no cage having an unstable or self-dumping platform shall be used for the carriage of men or materials unless the same is provided with some convenient device by which said platform can be securely locked.

Sec. 301. [This section is amended by the insertion of the following new matter relative to ventilating doors at which attendants are required:]

And places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars, or otherwise, while attending to their duties.

Shelter holes.

Approved April 15, 1908.

Manufacture, etc., of explosives.

(Page 211.)

SECTION 1. Each person, partnership or corporation within the State of Ohio engaged or engaging in manufacturing, handling or storing gunpowder, blasting powder, dynamite, nyalite, jovite, dynalite, masurite, fulminates, nitroglycerin, any nitro explosive compound, any chlorate of potash explosive compound, any picric acid explosive compound, or any other explosive substance, shall file with the chief inspector of workshops and factories, upon blanks furnished by him upon application, a complete statement of the location of such factory, storehouse or magazine owned or controlled by such person, partnership or corporation, together with the kind and character of the explosive substance or substances manufactured, handled or stored and intended to be manufactured, handled or stored thereat, the quantity stored or kept on hand and the quantity intended to be stored or kept on hand, the number of persons employed at each factory, storehouse or magazine and the number of persons intended to be employed thereat, and the distance which such factory, storehouse or magazine is located or will be located from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway.

Application of statute.

Statement required.

SEC. 2. Such statement, when filed, shall be submitted by the chief inspector of workshops and factories, for examination, correction and investigation, to the district inspector of explosives, who shall make a personal examination of each such factory, storehouse or magazine, and if such site, factory, storehouse or magazine is found to be located at a safe distance from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway, and to be so

Statement to be filed.

Certificates.

planned and managed as to insure as great safety as is consistent with the nature of the business, and if the facts required in such statement are fully set out therein, and found to be true, then the chief inspector of workshops and factories shall grant a certificate approving the plans and location of such factory, storehouse or magazine as set forth in such statement.

Term of certificate.

SEC. 3. Such certificate shall remain good and in force from the date of issue, except when otherwise ordered for cause by the chief inspector of workshops and factories, and such certificate will become void and a new statement and certificate shall be required of such person, partnership or corporation whenever any change is made in the manufacturing, handling or storing of such explosives as to the location of any factory, storehouse or magazine, or as to the kind or character of explosives manufactured, handled or stored, or whenever the number of men employed or the amount of explosives manufactured, handled or stored becomes greater than the number or amount designated in the last statement made to the chief inspector of workshops and factories.

Location of factories.

SEC. 4. No person, partnership or corporation shall manufacture gunpowder, blasting powder, dynamite, nyalite, jovite, dynalite, fulminates, nitroglycerin, nitro explosive compounds, chlorate of potash explosive compounds, picric acid explosive compounds, or any other explosive substance, or store a quantity of the same exceeding one hundred (100) pounds, within the limits of any municipal corporation, or within sixty (60) rods of any factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, or building in which people are accustomed to assemble, or manufacture the same within ten (10) rods of any adjoining property not owned or leased by such person, partnership or corporation: *Provided*, That the distance at which such explosives may be stored with relation to the factories, workshops and other buildings owned and used solely for the purpose of manufacturing such explosives, as a part of a manufacturing plant shall not be governed by the above provision as to distance but shall be determined and regulated by the chief inspector of workshops and factories upon inspection of the district inspector of explosives. No person, partnership or corporation shall manufacture such explosives or store exceeding one hundred pounds of the same without giving bond in the sum of five thousand dollars (\$5,000) in each county in which such explosives are manufactured or stored, with good and sufficient surety, to the county commissioners of such county with such surety or sureties as shall be approved by the judge of the probate or common pleas court of such county, conditioned for the payment of all damages that may be caused to persons or property by reason of any explosion of any of said substances, or without filing with the chief inspector of workshops and factories a sworn statement that such bond has been approved and filed.

Bonds.

Transportation.

SEC. 5. No person, partnership or corporation shall transport or carry any of such explosives in any vehicle, railroad car, water craft or other conveyance upon which any passenger for hire is at the same time being conveyed, or in any vehicle, railroad car, water craft or other conveyance, upon two sides and the rear of which there shall not be printed or placarded in plain and distinct letters the words "Explosives—Dangerous," or carry any of such explosives in any box, keg, can or package upon which is not clearly written or printed the words "Explosives—Dangerous," together with the name of the explosive substance contained therein.

Violations.

SEC. 6. Whoever, either as principal, or servant, agent or officer of such person, partnership or corporation, violates any provisions of this act, or manufactures, handles or stores any of such explosives at any time without having first filed such bond and statement, or without having at such time a valid certificate from the chief inspector of workshops and factories, obtained as provided in section 1 [2] of this act, shall be fined not less than one hundred dollars, nor more than one thousand dollars.

SEC. 7. Nothing in this act shall be held to apply to persons, partnerships or corporations who store not to exceed twenty-five (25) pounds of gunpowder or blasting powder in any one place at one time, nor to the manufacturing or storing of drugs.

Exemption.

SEC. 8. It shall be the duty of the chief inspector of workshops and factories and the district inspector of explosives to enforce the provisions of this act.

Enforcement.

Approved April 27, 1908.

Commission on mine regulations.

(Page 321.)

SECTION 1. The governor shall appoint a commission of seven citizens of the State of Ohio, three of whom shall be practical miners or operatives in coal mines, three of whom shall be owners or operators of coal mines, and one who shall be agreeable to the first six appointed, who shall constitute a commission to recommend such changes in the laws as may be necessary or advisable for the regulation of coal mines in the State of Ohio and for the protection of the health and lives of operatives in such mines; and in case a vacancy shall occur in said commission the governor is authorized to fill the same.

Appointment.

SEC. 2. Such commission shall inquire into the conditions surrounding the operation and conduct of coal mines in the various districts of the State of Ohio, with the view of ascertaining what provisions of law would best promote and protect the health and safety of the miners and operatives therein and the mutual interests of the miners and operatives; and for this purpose it shall hear representatives of the miners and operatives in such mines and the owners and operators of such mines, [;] such commission may employ an expert mining engineer and electrician at a salary not to exceed ten (\$10) dollars per day, and shall invite the fullest and clearest presentation of the views of all persons interested in the operation of coal mines in this State, and shall have authority to send for persons and papers and may personally investigate the conditions surrounding coal mines in the various districts of this State.

Duties.

SEC. 3. Such commission shall be organized by the election of proper officers, and shall make its report to the governor for transmission to the general assembly as soon as it shall have completed the investigations herein provided for, together with its recommendations of changes in and additions to the existing laws, with the bill or bills submitted for enactment, and its reason therefor.

Report.

SEC. 4. The commission shall meet in the office of the chief inspector of mines and shall provide necessary stationery for its use. It may employ a stenographer, who shall act as secretary and whose services shall be paid for out of the money hereby appropriated; and the commission shall have free access to the rolls, books and records in all departments of the State. The commissioners shall each receive the sum of five dollars per day for the time actually employed in the work of the commission, together with actual expenses incurred while traveling to and attending meetings or while engaged in the work of the commission. The sum of five thousand dollars, or so much thereof as may be necessary, to pay the same, be and it is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid upon the duly authenticated requisition of the commission accompanied by vouchers showing the purposes for which drawn, when approved by the governor.

Meetings.

Compensation.

Approved May 9, 1908.

Mine regulations—Electric wires—Mining machines.

(Page 335.)

Insulation of wires. SECTION 1. After three months from the passage of this act, in all mines in this State, where electricity is, or hereafter shall be used, as a part of the system, power, or means of mining and producing the coal from any of said mines, the owner or operator of every such mine shall cause all wires conducting electricity in and about said mines, to be carefully and thoroughly insulated or protected in a safe manner as may be authorized by the state mine inspector, or his deputy, so that persons or animals coming in contact therewith will not be injured thereby: *Provided, however,* That trolley wires or other wires not capable of insulation shall be guarded by being placed at least three (3) inches deep within a groove or in such other manner as may be authorized by the state mine inspector, or his deputy, whose duty it will be, upon the written request of any mine owner, operator or person employed in such mine, to investigate all such wires that may be incapable of insulation and determine upon any proper method of guarding said wires other than by means of the aforesaid groove. And said inspector shall thereupon issue a certificate to the owner or owners of said mine, setting forth the method to be employed in the guarding of said wires, and keep a record of the same; thereupon within thirty (30) days from date of the certificate, it shall be the duty of the mine owner or operator, to guard such noninsulated wires in the manner required in said certificate.

Shields for machines. SEC. 2. In all mines where mining machines are used, each of said machines shall be equipped and provided with a sufficient shield as may be authorized by the state mine inspector, or his deputy for the protection of those employed in or about the use and operation thereof; and said shield shall be kept in use constantly, while said machine is under operation.

Violations. SEC. 3. Any corporation or person violating the provisions of section one of this act shall be fined not more than five hundred dollars, nor less than one hundred dollars; and for the violation of section two of this act not more than one hundred dollars.

Approved May 9, 1908.

Examination and licensing of steam engineers.

(Page 478.)

Districts and examiners. [This act amends certain sections of the law on this subject (sections 4364-89m, 4364-89n, 4364-89p, Bates' Annotated Statutes), by dividing the State into ten instead of eight inspection districts, providing for the appointment of an assistant chief examiner and ten district examiners instead of eight district examiners only, as previously. The office force and salaries are also increased.]

OKLAHOMA.**ACTS OF 1907-8.***Time to vote to be allowed employees—Protection as voters.*

(Page 316.)

ARTICLE VII.

Two hours to be allowed. SECTION 8. Every corporation, firm, association or individual who, on election day, has an elector employed or in his service, and every foreman, superintendent or other person in charge of employees shall grant each of said employees two hours of time during the period when the election is open in which to vote, and if such employee be in the county or at such distance from the voting place that more than two hours are required in which to attend such elections, then he shall be allowed a sufficient time in

which to cast his ballot, and such corporation, firm, or association, individual, foreman, superintendent or other person in charge of such laborers, shall select the hours which such employees are to be allowed in which to attend such elections, and shall notify each of the employees which hours they are to have in which to vote, and any corporation, firm or association, individual, foreman, or superintendent who fails to so notify such employees as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each elector whom they failed to so notify, and any individual with such electors employed, or foreman or superintendent, who fails to so notify such employee, shall in addition to said fine, be, upon conviction, imprisoned in the county jail not less than two nor more than six months.

SEC. 10. Any corporation, whether chartered under the laws of this State, or of a foreign State, and which has been permitted to do business herein, which, through its officials, employees, agents, attorneys, representatives or some other person or in any other manner, directly or indirectly, influences or attempts to influence, by bribe, favor, promise, inducement, threat, intimidation, importuning or beseeching to control the vote of any employee or other person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than five thousand dollars, and the person or persons so acting for such corporation in the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than one thousand dollars, and imprisoned in the county jail not less than sixty nor more than one hundred and twenty days.

SEC. 11. When any official, agent, attorney, or employee of a corporation has been shown to have violated the provisions of sections 9 and 10 of this article, it shall be presumed that he was acting for such corporation, and the burden shall be upon the accused corporation to show that such official, agent, attorney or employee was not acting for it or with its sanction.

Approved May 29, 1908.

Fire escapes on factorics.

(Page 427.)

SECTION 1. * * * all building[s] more than two stories in height, used for manufacturing purposes, * * * shall have at least one fire escape for every thirty persons for which working * * * accommodations are provided above the second stories of said buildings, * * *

SEC. 5. It shall be the duty of the chief of the fire department in all cities and towns to visit all public buildings, hotels, lodging houses and buildings described in section one hereof, and which have and maintain fire escapes, at least once every three months, and to investigate whether the provisions of this act are duly observed, and to report all violations of the same to the city or prosecuting attorney for prosecution. In cities or towns not having a chief of fire department, it shall be the duty of the marshal to perform the duties imposed by this section.

Approved April 23, 1908.

Commissioner of labor—State board of arbitration and conciliation—Employment offices—Inspection of factories, etc.

(Page 490.)

ARTICLE I.

SECTION 1. The duties and scope of the commissioner of labor is to carry into effect all laws in relation to labor, passed by the legislature, in regard to the transportation, mechanical and manu-

facturing industries in the State; to supervise the work of free employment offices and factory inspection, and to make recommendations to the governor for appointments of factory inspectors: to collect, assort and systemize reports of all persons, firms or corporations required to report to the commissioner of labor, and present the same to the legislature at the following session thereof; to compile statistical detailed reports relating to the commercial, industrial, educational and sanitary conditions of the people included in the mining, transportation, mechanical and manufacturing industries of the State. He shall also give bond of approved security in the sum of ten thousand (\$10,000) dollars, the same to be approved by the governor, for the faithful performance of his duties as defined by the laws passed by the legislature.

Bond.

Assistant.

SEC. 2. The commissioner of labor is hereby authorized to appoint an assistant at a salary of fifteen hundred (\$1,500) dollars per annum, payable monthly, who shall act as his deputy if, by reason of sickness, absence, or for other cause, the commissioner of labor is temporarily unable to perform the duties of his office, and said assistant shall perform the duties of the office of commissioner of labor until such disability ceases, and said assistant shall act as secretary of the board of arbitration and conciliation, and it shall also be his duty, under the direction of the commissioner of labor, to collect, assort, systemize and compile statistical details and information relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary conditions of the laboring classes and to the permanent prosperity of the productive industries of the State. He is also authorized to appoint one stenographer at a salary of nine hundred (\$900) dollars per annum, payable monthly.

ARTICLE II.

Board of conciliation and arbitration.

SECTION 1. The governor shall, upon his own motion, appoint two farmers and one employer, and upon recommendation of the commissioner of labor, shall appoint one employer and two employees, as hereinafter specified, by and with the advice and consent of the senate, and the six persons so appointed shall constitute and be styled "a State Board of Arbitration and Conciliation." If a vacancy should occur at any time on said board, the governor or the commissioner shall appoint some suitable person to fill such vacancy as in the first instance. Except the farmers, said appointments shall be made from the employers and employees who shall have been, for at least three years preceding said appointment, engaged as employer or employee in the mining, transportation, mechanical or manufacturing industries of the State. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge of the same. The board shall at once organize at the call of the commissioner of labor who, by virtue of his office, is chairman, and they shall, as soon as possible, establish rules and procedure for the government thereof. The assistant commissioner of labor shall be secretary of said board.

Action by board.

SEC. 2. Whenever it shall come to the knowledge of the state board of arbitration and conciliation that a strike or lockout is seriously threatened in the State, involving an employer and his employees, if he is employing not less than twenty-five persons, it shall become the duty of said board to put itself in communication, as soon as may be possible, with such employers or employees, and endeavor to persuade them to submit the matter in dispute to the said board.

Mayor, etc., to give notice.

SEC. 3. It shall be the duty of the mayor of any city, and the justice of the peace of any municipal township, whenever a strike or lockout, involving more than twenty-five persons, shall be threatened or has actually occurred within or near such city, or in such municipal township, to immediately communicate the fact

to the state board of arbitration and conciliation, stating the name or names of the employer or employers, and one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved, and such other information as may be required by the said board. It shall be the duty of the president or the chief executive officer of every labor organization of which he is an officer, to immediately communicate the fact of such a strike or lockout to said board, with such information as he may possess touching the differences or controversy and the number of employees involved.

Heads of labor organizations.

SEC. 4. Whenever there shall exist a strike or lockout wherein, in the judgment of a majority of said board, the general public shall appear likely to suffer injury or inconvenience by reason of said strike or lockout, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the state board of arbitration and conciliation in conformity with this act, then said board, after first having made due effort, having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout and make public its findings, with such recommendations to the parties involved as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have power to issue subpoenas, and when, after the service of such subpoena, the party so subpoenaed fails and refuses to appear before said board, the said board shall certify such fact, together with the name of the person subpoenaed, to the district court having jurisdiction of the person subpoenaed, and said court shall thereupon issue its subpoena requiring the party subpoenaed to appear at such time as may be stated in the subpoena to give such testimony as may be required, and upon a failure of the party to answer said subpoena so issued out of said district court, said district court shall proceed as provided by law in cases of contempt. Any member of said board may administer oaths in all matters pertaining to the duties of said board.

Strikes affecting the public.

Findings to be published.

SEC. 5. Each member of said board shall serve only when needed and shall receive a salary of five dollars per diem and necessary traveling expenses when so serving, to be paid out of the treasury of the State out of any appropriation therefor, upon vouchers approved by the governor.

Compensation.

SEC. 6. Any notice or process issued by the state board of arbitration and conciliation shall be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service.

Notices and process.

SEC. 7. When the said state board of arbitration and conciliation is actually engaged or is about to be engaged in the performance of the duties required by this act, no order of injunction can lie against said board from any court of this State except the supreme court, and the order of injunction, if granted, shall not be made final until said supreme court, by competent evidence, is satisfied that the said board of arbitration and conciliation is abusing or transgressing the privileges allowed and the duties required of said board under this act.

Injunctions against board.

ARTICLE III.

SECTION 1. The commissioner of labor shall maintain, in connection with his office, a free employment bureau, to be known as the Oklahoma Free Employment Bureau, for the purpose of receiving and filing applications of persons seeking employment and applications of persons seeking to employ labor. The commissioner of labor shall appoint a superintendent of said free employment bureau, who shall receive a salary of twelve hundred (\$1,200) dollars per annum, and his tenure of office shall be during the term of the commissioner of labor, unless sooner removed for cause.

Free public employment office.

Duties of superintendent.

SEC. 2. The superintendent of said free employment bureau shall preserve a record in books, kept for that purpose, names of all persons applying for employment or help, designating opposite the names and addresses of each applicant, the character of employment or help desired. Separate registers for applicants for employment shall be kept, showing the names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired, and in such register shall show the age, sex, nativity, trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the commissioner of labor to be secured by said office: *Provided*, That such statistical and sociological data as the commissioner of labor may require, shall be held in confidence by said office and so published as not to reveal the identity of anyone: *And provided further*, That any applicant who shall decline to furnish answer to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

Registers.

Employers to be communicated with.

SEC. 3. It shall be the duty of the superintendent of the free employment bureau to immediately put himself in communication with the principal manufacturers, merchants and other employers of labor, and to use all diligence in securing the cooperation of said employers of labor with the purposes and objects of said employment bureau. To this end it shall be competent for such superintendent to advertise, under the direction of the commissioner of labor, in the columns of newspapers, or other medium, for such situations as he has applications to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published in Oklahoma or not.

Fees prohibited.

SEC. 4. No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment bureau.

Definitions.

SEC. 5. The term "applicant for employment," as used in this act, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional service and all other legitimate service.

ARTICLE IV.

Private employment offices.

SECTION 1. No person, firm or corporation in this State shall open, operate or maintain a private employment agency for hire, or where a fee is charged to either applicants for employment or for help, without first obtaining a license for the same from the commissioner of labor, and such license fee shall be five (\$5) dollars. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this article shall be posted in a conspicuous [conspicuous] place in each and every employment agency. No agency shall print, publish or paint on any sign, window or insert in any newspaper or publication, a name similar to that of the "Oklahoma Free Employment Bureau." The commissioner of labor shall require with each application for a license a bond in the penal sum of two hundred and fifty dollars with two or more sureties, to be approved by said commissioner and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this act. The said commissioner of labor is authorized to cause an action or actions to be brought on said bond in the name of the State of Oklahoma for any violation of any of its conditions and they may revoke, upon a full hearing,

Licenses.

any license whenever, in their judgment, the party licensed shall have violated any of the provisions of this act.

It shall be the duty of every licensed agency to keep a register, in which shall be entered the age, sex, nativity, trade or occupation, name and address of every applicant. Such licensed agency shall also enter into a register the name and address of every person who shall make application for help or servants, and the name and nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours, be open to the inspection and examination of the commissioner of labor or his agent. Where a registration fee is charged for filing or receiving applications for employment or help, said fee shall in no case exceed the sum of two dollars, for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month after registration as aforesaid, then said licensed agency shall forthwith [forthwith] repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency, provided that such demand be made within thirty days after the expiration of the period aforesaid.

Registers.

Fees.

Return of fee.

SEC. 2. No agency shall send or cause to be sent any female help or servants to any place of bad repute, house of ill fame or assignment house, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false information or to make any false promise concerning or relating to work or employment to anyone who shall register for employment and no licensed agency shall make any false entries in the register to be kept as herein provided.

Sending help to immoral resorts.

SEC. 3. It shall be the duty of the commissioner of labor to enforce this article of this act. When informed of any violation thereof it shall be his duty to institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of this article of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars, nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period not to exceed six months or both, at the discretion of the court: *Provided*, That any person or persons who shall send any female help or servant to any place of bad repute, house of ill fame or assignment house or to any house or place of amusement kept for immoral purposes, shall be guilty of a felony and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars and be confined in the penitentiary not less than two years nor more than ten.

Enforcement.

SEC. 4. A private employment agency for hire is defined and interpreted to mean any person, firm, or corporation engaged in the occupation of furnishing employment or help or giving information as to where employment or help may be secured or who will display any employment sign or bulletin, or through the medium of any card, circular or pamphlet, offering to secure employment or help, shall be deemed an employment agency, and subject to the provisions herein: *Provided*, That charitable organizations are not included.

Definition.

SEC. 5. The commissioner of labor shall, at the end of each quarter, make an itemized account of all moneys received by him from fees and fines, under the provisions of this article, and pay the same into the state treasury.

Quarterly reports of fees, fines, etc.

ARTICLE V.

SECTION 1. The governor shall, upon the recommendation of the commissioner of labor, by and with the consent of the senate, appoint a factory inspector, whose duty it shall be to exercise general supervision over the department of factory inspection, Factory inspector.

Duties.

under the direction of the commissioner of labor. The salary of the factory inspector shall be fifteen hundred dollars per annum and he shall serve during the term of the governor. It shall be the duty of the factory inspector to visit and inspect at all reasonable hours, not less than once in each year, the factories, workshops, machine shops, foundries, laundries, manufacturing establishments in the State, and such other places where labor is employed as the commissioner of labor may designate and shall make special investigation into the conditions of labor or into any alleged abuses in connection therewith, and shall perform such other duties as now or shall hereafter be prescribed by law. Said inspector shall, under the direction of the commissioner of labor, collect, assort, systematize and compile, statistical details and information relating to all departments of labor in the State. He shall report in writing to the commissioner of labor on the fifteenth day of May and the first day of November of each year, and at such other times as the commissioner of labor may require, the result of his inspection and investigation together with such other information and recommendation as he may deem proper. It shall be the duty of the county attorney of the proper county upon the request of the state factory inspector, to prosecute any violation of law which it is made the duty of the factory inspector to enforce. In addition to the salary provided herein for the factory inspector he shall be allowed his actual and necessary traveling expenses incurred in performance of his duties in carrying out the provisions of this article.

Rules to be formulated.

SEC. 2. The superintendent of the state board of health, the labor commissioner, and the factory inspector shall formulate, publish and enforce such rules as they may deem necessary for the sanitary regulations of manufacturing institutions, factories and workshops in this State.

Hours of labor to be posted, when.

SEC. 5. Every person, firm, or corporation, agent, or manager of a corporation employing any female in any manufacturing establishment, factory or workshop shall post and keep posted in a conspicuous place in every room where such help is employed, a printed or written notice, stating the hours of each day of the week between which work is required of such person, and every room where children under sixteen years of age are employed, a list of their names, ages and place[s] of residence.

Definition.

SEC. 6. The words, "manufacturing establishments" "factory" or "workshop" whenever used in this act shall be construed to mean any place where goods or products are manufactured or repaired, cleaned or sorted in whole or in part, for sale or for wages.

Guards for dangerous machinery.

SEC. 7. The owner or person in charge of a factory or any institution where machinery is used shall be provided with belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys whenever practicable. All machines shall be provided with loose pulleys and all vats, pans, planers [planers], cogs, gearings, belting, shafting, set screws and machinery of every description shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to any machinery, vats, or pans, while the same are in use, unless for the purposes of immediately making repairs thereto and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is not properly guarded, the use thereof may be prohibited by the factory inspector or deputy factory inspector, and notice to that effect shall be attached thereto, such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

Elevator shafts, etc.

SEC. 8. If in the opinion of the factory inspector, it is necessary to protect life or limbs of factory employee or employees in any other institution, the owner, agent, or lessee of such factory or institution where any elevator, hoisting shaft or wellhole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded,

and shall provide such proper traps or automatic doors so fastened in or at all elevator ways except passenger elevators enclosed on all side, as to form a substantial surface when closed or so constructed as to open and close by the action of the elevator in its passage whether ascending or descending. The factory inspector may inspect the cable gearing or other apparatus of all elevators in factories and require them to be kept in a safe condition. No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory or in any other institution where a freight elevator is operated.

SEC. 9. When in the opinion of the factory inspector, it is necessary, the workrooms, halls and stairs leading to workrooms shall be properly lighted. Lighting halls.

SEC. 10. Proper and substantial hand rails shall be provided on all stairways in factories. The stairs shall be properly screened at the sides and bottom and all doors in or to such factory shall be so constructed as to open outwardly and shall not be locked or bolted or fastened during working hours. Stairways.

SEC. 11. There shall be provided in every factory, manufacturing establishment or workshop, where men and women are employed, separate toilet and wash rooms. Toilet rooms.

SEC. 12. Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this State, consisting of two or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well-fastened and secured, and shall have landings and balconies not less than six feet in length, and three feet in height, embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs not less than eighteen inches wide, with steps not less than six inches tread, placed at a proper slant and protected by well-secured hand rails on both sides, and shall have a drop ladder not less than twelve inches wide, reaching from the lower platform to the ground. The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility from the stairways and elevator hatchways and openings and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story as means of escape in case of fire. Fire escapes.

SEC. 13. The person in charge of any factory, shall report in writing to the factory inspector all accidents or injuries sustained by any person therein, immediately after the time of the accident, stating as fully as possible the extent and cause of the injury and the place where the injured person had been sent, with such other information relative thereto as may be required by the factory inspector, who may investigate the cause of such accident or injury and order precautions to be taken as will in his judgment prevent the recurrence of similar accidents. Accidents to be reported.

SEC. 14. The owner, superintendent, manager or other person in charge of any establishment at the time of inspection shall be required to furnish the inspector making the inspection a true statement of the number of persons employed in such establishment, and any owner, superintendent manager or other person in charge who shall fail or refuse to furnish such statement or understate the number of persons employed in such establishment at the time of such inspection shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether acting for himself or for such firm or corporation, or by himself through subagents or foreman, superintendent or manager, who shall refuse or attempt to prevent the admission of any inspector authorized by this act, upon or within the premises or buildings of any such establishment or place included in this Reports by owners of establishments.

act, at any reasonable business hours of the persons employed therein or thereat or shall in any manner interfere with the performance of the official duties of such inspector, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Reports by
employers.

SEC. 15. It shall be the duty of every owner or operator or lessee of any factory, foundry or machine shop or other manufacturing establishment, railroads, street railways, interurban railways, elevated railways or commercial and industrial institutions and other mechanical manufacturing institutions doing business in this State, subject to the provisions of this act, to report annually on or before the first day of March, to the commissioner of labor, the name of the firm or corporation and the number of members, male or female constituting the same; where located, capital invested in grounds, building and machinery; class and value of goods manufactured; aggregate value of material use[d]; total number of days in operation; amount paid yearly for rent, taxes and insurance; total amount paid in wages; total number of employees, male and female, number engaged in clerical and manual labor, with detailed classification of the number and sex of employees engaged in each class, and children employed under the age of sixteen years, and average daily wages paid in each.

Blanks.

SEC. 16. The commissioner of labor is hereby authorized to furnish suitable blanks to the owner, operator, manager or lessee of any factory, workshop, elevator, foundry, machine shop or any other mechanical or manufacturing establishment, to enable said owner, operator, manager or lessee to intelligently comply with the provisions of the preceding section of this article.

Seats for fe-
male employ-
ees.

SEC. 17. The proprietor, manager or person having charge of any mercantile establishment, store shop, hotel, restaurant or other place where women or girls are employed as clerks in this State, shall provide chairs, stools or other contrivances for the comfortable use of such female employees, and shall permit the use of the same by such female employees for the preservation of their health and for rest when not actually employed in the discharge of their respective duties.

Violations.

SEC. 18. Any person, firm or corporation who fails to comply with any of the provisions of this article, except as otherwise provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense.

Approved May 22nd, 1908.

Protection of employees as members of labor organizations—Conspiracy—Armed guards.

(Page 513.)

Agreements
not to join
unions.

SECTION 1. Any person or corporation within the State, or agent or officer on behalf of such person or corporation, who shall hereafter cause or compel any person or persons to enter into an agreement, either written or verbal, not to join or be a member of any labor organization as a condition of such person or persons securing employment or continuing in the employment of any such person or corporation, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or imprisoned in the county jail not less than ninety days nor more than twelve months, or both such fine and imprisonment.

Labor agree-
ments not con-
spiracy.

SEC. 2. No agreement, combination or contract by or between two or more persons to do or procure to be done, or not to do or procure to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the State of Oklahoma, shall be deemed as criminal nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as

a crime, nor shall such agreement, combination or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment otherwise than is herein excepted, any person guilty of conspiracy for which punishment is now provided by an act of the legislature, but such act of the legislature shall as to the agreement, combination and contracts hereinbefore referred to, be construed as if this act was therein contained: *Provided*, That nothing in this act shall be construed to authorize force or violence.

SEC. 3. It shall be unlawful for any company, corporation or other employer of labor doing business in this State, by himself, themselves, its or their agents or attorneys to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of employment or as to the existence or nonexistence of a strike or other trouble pending between employer and employees, at the time of or prior to such engagement. Failure to state in an advertisement, proposal or contract for the employment of workmen that there is a strike, lockout or other labor trouble at the place of the proposed employment, when, in fact, such strike, lockout or other labor troubles then actually exist at such place, shall be deemed a false advertisement and misrepresentation for the purposes of this act.

False representations as to conditions of employment.

Notice of strikes, etc.

SEC. 4. Any company, corporation, or other employers of labor of any kind doing business in this State, as well as his, their, or its agent, attorney, servants or association found guilty of violating section 3 of this act, or any part thereof, shall be fined not less than five hundred dollars (\$500) and not exceeding two thousand dollars (\$2,000), or confined in the county jail not less than one month and not exceeding one year, or both [such fine and imprisonment.]

Violations.

SEC. 5. Any person or persons who shall hire, aid, abet or assist in hiring through private detectives, agencies or otherwise, persons to guard with arms or deadly weapons of any kind, other persons or property, within this State, or any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose without a permit, in writing, from the governor of this State, shall be guilty of a felony and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years: *Provided*, That nothing contained in this act shall be construed to interfere with the right of any person, persons or companies, corporation, society, association or organization in guarding and protecting their property as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State or induced to go from one place to another in this State by any false pretenses, false advertising or deceptive representation, or brought into this State under arms or removed from one place to another in this State under arms.

Hiring armed guards.

SEC. 6. Any workman of this State, or any workman of another State who has or shall be influenced, induced or persuaded to engage with any persons mentioned in section 3 of this act, through or by means of any of the things therein prohibited, each of such workmen shall have the right of action for recovery of all damages that each workman has sustained in consequence of the false or deceptive representation, false advertisement and false pretenses used to induce him to change his place of employment, against any companies, corporations, or other employers of labor directly or indirectly, causing such damages, and, in addition to all actual damages such workman may have sustained,

Damages recoverable, when.

Attorney's fees. shall be entitled to recover such reasonable attorney's fees as the jury shall fix to be taxed as costs in any judgment recovered.

Approved June 6th, 1908.

Termination of employment contract—Statement of cause.

(Page 516.)

Statements to be made by employer.

Failure.

Penalty.

Form.

SECTION 1. Whenever any employee of any public service corporation, or of a contractor, who works for such corporation, doing business in this State, shall be discharged or voluntarily quits the service of such employer it shall be the duty of the superintendent or manager, or contractor, upon request of such employee, to issue to such employee a letter setting forth the nature of the service rendered by such employee to such corporation or contractor and the duration thereof, and truly stating the cause for which such employee was discharged from or quit such service and, if any such superintendent, manager or contractor shall fail or refuse to issue such letter to such employee, when so requested, or shall willfully or negligently refuse or fail to state the facts correctly, such superintendent, manager or contractor shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, and by imprisonment in the county jail for a period of not less than one month and not exceeding one year: *Provided*, That such letter shall be written, in its entirety, upon a plain sheet of white paper to be selected by such employee. No printed blank shall be used, and if such letter be written upon a typewriter, it shall be signed with pen and black ink and immediately beneath such signature shall be affixed the official stamp, or seal, of said superintendent, manager or other officer of such corporation or contractor, in an upright [upright] position. There shall be no figures, words or letters used, upon such piece of paper, except such as are plainly essential, either in the date line, address, the body of the letter or the signature and seal or stamp thereafter, and no such letter shall have any picture, imprint, character design, device, impression or mark, either in the body thereof or upon the face or back thereof and any person of whom such letter is required who fails to comply with the foregoing requirements shall be liable to the penalties above prescribed.

Approved April 24th, 1908.

Protection of employees on buildings.

(Page 519.)

Construction of scaffolds, etc.

SECTION 1. All scaffolds, hoist cranes, stays, ladders, supports or other mechanical contrivances erected or constructed by any person, firm or corporation in this State, for use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct, steel tank, standpipe or other structure, shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging swung or suspended from an overhead support more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 2. If, in the erection of an iron or steel framed building, the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces, during the construction of each story, from the time when the beams or girders are placed in position; but openings protected by a strong hand railing not less than four feet high may be left through said floors for the passage of workmen and material. Protective floors.

SEC. 3. Whoever is engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as the joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the work of construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and each and every day that such person, contractor, agent, factor or architect shall neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety may be endangered by such neglect or refusal, shall be held and considered a separate offense, severally liable to the penalties aforesaid. Failure to supply floors.

SEC. 4. Any contractor or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, standpipe or other structure within the provisions of sections one and two of this act, shall comply with the terms thereof, and such contractor or other person violating any of the provisions of sections one and two of this act shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisonment for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court. Violations by contractors, etc.

SEC. 5. An employer shall be responsible in damages for personal injury caused to an employee who, himself, in the exercise of due care and diligence at the time, by reason of any defect in the condition of the machinery or appliances connected with or used in the business of the employer which arose, or had not been discovered or remedied owing to the negligence of the employer, or of any person entrusted by him with the duty of inspection, repair or of seeing that the machinery or appliances were in proper condition. Liability.

Approved May 2, 1908.

Mine regulations.

(Page 521.)

ARTICLE I.

SECTION 1. It shall be unlawful for any mine owner, lessee, or operator of coal mine in this State employing miners who are paid by the quantity of coal mined by them to use any other than a recognized standard scale or to pass the output of coal mined by said miners, over any screen or any other device until the same shall have been weighed and duly credited to the miner sending the same to the surface and accounted for at the legal rate of weights, as fixed by the law of Oklahoma; and no miner within the meaning of this article shall be deemed to have waived any right accruing to him under this section by any contract he may Weighing and screening coal.

make contrary to the provisions thereof, and any provisions, contract or agreement between mine owners or operators thereof and the miners employed therein, whereby the provisions of this article are waived, modified or annulled, shall be void and of no effect, and the coal sent to the surface shall be accepted or rejected; and if accepted shall be weighed in accordance with the provisions of this article, and the right of action shall not be invalidated by reason of any contract or agreement, and any owner, agent or operator of any coal mine in this State who shall knowingly violate any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred nor more than five hundred dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty days nor more than six months or by both such fine and imprisonment, proceedings to be instituted in any court having competent jurisdiction.

ARTICLE II.

Weighmen.

SECTION 1. The weighmen employed at any mine shall, before some person authorized to administer oaths, take and subscribe to the oath (or affirmation) as prescribed by the constitution, to do justice between the employer and employee and to weigh truly and correctly the output of coal from the mines as herein provided.

Checkweighmen.

SEC. 2. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State, shall have the privilege if they desire, of employing, at their own expense, a checkweighman, who shall have equal rights, powers and privileges in the weighing of coal as the regular weighman, who shall subscribe to the same oath (or affirmation) as regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weigh office and any regular weigher of coal or person so employed who shall knowingly violate any of the provisions of this article, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using such checkweighman, in the discharge of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred dollars for each offense or by imprisonment, of not less than thirty days nor more than six months proceedings to be instituted in any court having competent jurisdiction. Whenever the commissioner of labor shall be satisfied that the provisions of this section have been so violated it shall be his duty to prosecute the person or persons guilty thereof, and upon conviction therefor shall be punished as provided in this section.

Scales to be provided.

SEC. 3. Every mine owner, operator or agent of any coal mine in the State employing miners at bushel or ton rates, shall provide at such mine or mines, accurate and suitable scales of standard manufacture, upon which shall be weighed all coal coming out or [of] such mine or mines said scale or scales to be located at a reasonable distance from the point where the coal is delivered to the surface opening of the mine or mines; and any owner, agent, operator, person or persons having or using any scale or scales, for the purpose of weighing the products of the miners' labor, and so arranges or constructs said scale or scales, or by any contrivance therewith connected causes any fraudulent weighing of such coal or said product, or who shall knowingly resort to or permit or employ any person or means whatever, by reason of which said product of the mines is not correctly weighed and reported in accordance with the true weight and provisions of this article, shall be deemed guilty of a misdemeanor and shall upon conviction for each and every offense be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than sixty (60) days nor more than six (6) months, or by both such

fine and imprisonment, at the discretion of the court, proceedings to be instituted in any court of competent jurisdiction.

ARTICLE III.

SECTION 1. The chief mine inspector or assistant mine inspector, shall be ex officio inspector of weights, measures and scales used at coal mines, and he or either of them is hereby empowered and it shall be his, or their duty to test all scales, correctly measure the weight of such coal and if defects or irregularities are found, and such scales which prevent correct weights and measurements, the inspector shall call the attention of the mine owner, agent or operator to said defects and shall direct the same to be at once properly adjusted and corrected and if the owner, agent or operator of any coal mine in this State shall refuse to put such scales in proper adjustment and condition, so that the same shall correctly weigh the coal, after being notified by the inspector to do so, such owner, agent or operator shall be deemed guilty of a misdemeanor for each offense and upon conviction therefor shall be fined not exceeding five hundred dollars or be confined not exceeding six months in the county jail, or both in the discretion of the court, and it shall be the duty of the prosecuting attorneys in their respective counties to prosecute any person, firm or corporation violating the provisions of this section, the same as in other misdemeanor cases.

Duty of mine inspector as to scales, etc.

ARTICLE IV.

SECTION 1 (as amended by act, page 385, Acts of 1909). The state mining board is hereby created which shall be composed of five members, two of whom shall be practical coal miners, one a practical mining engineer, one a practical hoisting engineer, and one a coal operator. Said board shall have exclusive control of granting certificates of competency as hereafter provided. Said board shall be appointed by the governor, by and with the consent of the senate, for a term of four years, or until their successors are appointed and qualified, unless sooner removed for cause. A majority of said board shall constitute a quorum to transact business and they shall have the power to adopt suitable rules and regulations not inconsistent with the laws of this State to govern their proceedings. Said board shall meet at such times and places as they may deem most convenient for the examination of applicants for certificates of competency: *Provided*, That all the members of said board, except the secretary, shall not receive per diem for more than twenty days in any one quarter annual period, and the secretary shall not receive per diem for more than twenty-five days in any one quarter annual period. Said board shall be composed of citizens of the United States and of the State of Oklahoma and shall take the oath of office as prescribed in the Constitution.

State mining board.

Duty.

Sec. 2. Before the state mining board shall grant a certificate of competency for any of the positions hereinafter mentioned they shall require satisfactory evidence, by oral examination or otherwise, of the applicant to fill such positions: *Provided, however*, That any person now holding the above positions shall have sixty days to qualify after the passage and approval of this act.

Evidence of fitness.

Sec. 3. It shall be unlawful for any person in this State to act as a mine manager, superintendent, pit boss, hoisting engineer, or fire boss without first having obtained a certificate of competency from the State mining board hereinbefore provided for. A violation of the provisions of this act shall be deemed a misdemeanor and shall be punishable by a fine of not less than fifty (50) dollars nor more than two hundred (200) dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment.

No employment without certificate.

Sec. 4. The members of said board shall receive as compensation for their services, the sum of five dollars per day and actual expenses necessarily incurred when transacting their business.

Compensation.

There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the per diem and expense for the state mining board, for the fiscal year ending June 30th, 1909, and for the fractional year ending June 30th, 1908, the sum of two thousand (\$2,000) dollars.

Certificates.

SEC. 5. The certificate provided for in this act, shall be issued under the signature and seal of the state mining board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age, and place of birth of the recipient, and the length of time and nature of his previous service in or about coal mines: *Provided*, That all persons making application to the state mining board for certificates of competency as mine engineer or superintendent, as provided for in this act, shall accompany said application with a fee of two dollars and fifty cents (\$2.50), as a fee for examination, and shall be required to pay an additional fee of two dollars and fifty cents (\$2.50) when said certificate is issued; and all persons making application to the state mining board for certificates of competency as pit boss and hoisting engineers, as provided for in this act, shall accompany said application with a fee of two dollars for such examination, and shall be required to pay an additional fee of two dollars (2) when said certificate is issued; All persons making applications to the state mining board for certificates of competency as fire boss as provided in this act, shall accompany said application with a fee of one dollar as a fee for such examination, and shall be required to pay one dollar (\$1) when said certificate is issued.

Records.

SEC. 6. The board shall make and preserve a record of the names and the addresses of all persons to whom certificates are issued, as provided for in this act; said certificates shall entitle the holder thereof to accept and discharge the duties for which they are hereby declared qualified at any mine in this State where their services may be desired.

Certified persons from other States.

SEC. 7. The board may exercise its discretion in issuing certificates of any class (but not without examination) to persons presenting proper credentials or certificates issued by competent authority in other States.

Revocation of certificates.

SEC. 8. The state mining board shall have power to revoke any certificates by it granted, for incompetency, intoxication or other sufficient cause: *Provided*, That any person against whom charges are made shall have ten days written notice from the board, and shall have opportunity to be heard in his own behalf.

ARTICLE V.**Wash rooms.**

SECTION 1. It shall be the duty of the operator or superintendent of any coal mine or other mine in this State at the request in writing of the mine inspector who shall make such request upon the petition of any five miners or other persons working therein, to provide a suitable building, which shall be convenient to the principal entrance of such mine, for the use of persons employed therein, for the purpose of washing themselves and changing their clothing when entering and returning therefrom. The said building shall be maintained in good order, and be provided with proper light and heat, and shall be provided with proper facilities for persons to wash and change clothing; proper facilities shall mean a properly constructed locker to protect clothing, a supply of hot and cold water and bath tubs, the workmen to supply their own soap and towels.

Violation.

SEC. 2. Any violation or failure to comply with any provision of section one of this article, or any person destroying any of the property provided for in said section, shall be deemed guilty of a misdemeanor and shall, upon conviction be fined in the sum of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail not less than sixty days, or both such fine and imprisonment, at the discretion of the court having competent jurisdiction.

ARTICLE VI.

SECTION 1. In no event shall convicts in this State ever be employed in any coal or mineral mines of this State, other than stone, or such other material as will be necessary for the construction and maintenance of the public highways or public works of the State. Employment of convicts.

Approved May 16, 1908.

Mine regulations.

(Page 527.)

ARTICLE I.

SECTION 1. The chief mine inspector shall have had eight (8) years actual experience as a practical miner, and he shall not while in office be interested as owner, operator, agent, director, or otherwise interested in any coal mine, oil, gas or other mining interest, directly or indirectly, or in any way whatever, and he must have been a resident of the State two (2) years before his election to office, and shall receive as a salary for his services the sum of three thousand dollars (\$3,000) per annum. Chief mine inspector.

SEC. 2. The chief mine inspector, before entering upon the duties of his office, shall take and subscribe to the following oath: Oath.

I, ———, do solemnly swear (or affirm) that I will support obey and defend the Constitution of the United States, and the constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid or contributed, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of the State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; and, I further swear (or affirm) that I will not receive, use, or travel upon any free pass or free transportation during my term of office.

SEC. 3. The chief mine inspector, before entering upon the duties of his office, and within twenty (20) days after his election, shall make and execute a bond to the State of Oklahoma, with one or more sufficient sureties, in the sum of ten thousand (\$10,000) dollars for the faithful performance of his duties, to be approved by the governor of the State, and said bond to be filed in the office of the secretary of state, and in the event said chief mine inspector shall fail to make and execute said bond within the time prescribed in this act, his office shall be declared vacant and it shall be the duty of the governor of the State to appoint a chief mine inspector until the next general election. Bond.

SEC. 4. There are hereby created three mining districts in the State; said mining districts to be numbered one (1), two (2), and three (3). Mining district number one (1) is composed of the following counties, to wit: Districts.

McCurtain, Le Flore, Latimer, Pushmataha, Choctaw, Coal, Atoka, Bryan, Pontotoc, Johnson, Marshall, Garvin, Murray, Carter, Love, McClain, Grady, Stephens, Jefferson, Comanche, Caddo, Washita, Kiowa, Tillman, Jackson, Greer and Beckham.

Mining district number two (2) is composed of the following counties, to wit:

Pittsburg, Hughes, Seminole, Pottawatomie, Lincoln, Payne, Logan, Oklahoma, Cleveland, Canadian, Kingfisher, Garfield, Grant, Alfalfa, Woods, Major, Blaine, Custer, Dewey, Woodward, Ellis, Roger Mills, Beaver, Texas, Cimarron and Harper.

Mining district number three (3) is composed of the following counties, to wit:

Sequoyah, Adair, Delaware, Ottawa, Craig, Mayes, Cherokee, Haskell, McIntosh, Muskogee, Wagoner, Nowata, Washington, Rogers, Tulsa, Okmulgee, Creek, Pawnee, Noble, Kay, Osage and Okfuskee.

Assistant inspectors.

SEC. 5. The chief mine inspector shall appoint for each mining district, one assistant mine inspector, who shall be a resident of said district, and shall have been a resident of the State two years, and who shall have had eight years actual experience as a practical miner, before his appointment, and shall be of temperate habits, of good repute and a man of personal integrity, and shall have attained the age of thirty (30) years, none of whom shall have any pecuniary interests whatever in any mine in this State, and who shall before entering upon the duties of their office, make and execute a bond to the State of Oklahoma, in the sum of five thousand (\$5,000) dollars, for the faithful performance of their duties, to be approved by the county judge in the county where said assistant mine inspector resides. Said bond to be filed in the office of the secretary of state. Said assistant mine inspector shall, at all times, be under the direction and general control of the chief mine inspector, and said assistant mine inspectors appointed as aforesaid, shall be subject to removal from office by the chief mine inspector for neglect of duty, incompetency, drunkenness and malfeasance, or other sufficient cause. Said assistant mine inspectors shall hold office from and after their appointment for a term which shall expire on the last day next preceding the second Monday in January, 1911, unless removed from office as hereinbefore provided. The office of assistant mine inspector shall be an elective office from and after the year 1910, until otherwise provided by law, and from each of said mining districts in the year 1910, and each four years thereafter, candidates for assistant mine inspectors shall be nominated by political parties or by petitioners of the respective mine districts in the manner provided by law, and said candidates shall be voted for by the qualified voters of the State at large at the general state election in the year 1910, and each four years thereafter, and no elector at said election shall vote for more than one candidate from each mining district. The candidate from the mining district receiving the highest number of votes cast in the State at said election shall be declared the assistant mine inspector in said district. Said assistant mine inspectors' term of office shall commence on the second Monday in January following their election and shall be a term of four years and until their successors are elected and qualified, unless removed from office as hereinafter provided. Said assistant mine inspector shall have the qualifications, take the oath of office and give bond as hereinbefore provided for in this act. All of whom shall at all times be subject to, and under the control of the chief mine inspector, and shall be subject to removal from office as provided by law, for neglect of duty, incompetency, drunkenness, malfeasance and other sufficient cause. In case of removal from office of any assistant mine inspector, or any vacancy occurring therein, it shall be the duty of the governor to appoint some qualified person to fill said vacancy during the unexpired term of said office. The salary of said assistant mine inspector shall be fifteen hundred (\$1,500) dollars per annum and they shall be allowed their actual and necessary traveling expenses while away from home and in the discharge of their duties: *Provided*, No expense account be allowed said assistant mine inspector until the same has been sworn to by said assistant mine inspector and approved by the chief mine inspector.

Bond.

Office elective.

Term.

Duties.

SEC. 6. The chief mine inspector and the district inspectors shall give their whole time and attention to the duties of their offices respectively; it shall be the duty of the district inspectors to examine all the mines in their respective districts as often as necessary, and not less than once every three months: *Provided*, That the mine committee shall have authority to call the mine inspector

at any time in cases of emergency to see that the requirements and provisions of this act are strictly observed and carried out; they shall particularly examine the works and machinery belonging to any mine, examine into the state and condition of the mine as to ventilation, circulation and condition of the air, drainage and general extent to which the laws relating to mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this act, number of accidents, injuries received, or deaths in or about the mines, the number of miners in their respective districts, the number of persons employed in or about each mine, together with all such other facts and information of public interest concerning the conditions of mines, developments and progress of mining in their respective districts, as they may think useful and proper, and keep a record of the same, which record shall, on the first Monday of every month, be filed in the office of the chief mine inspector to be included in his annual report to the governor. In case of any controversy or disagreement between the district inspector and the owner, lessee or operator of any mine, or the persons working therein, or in case of conditions of emergencies requiring counsel, the district inspectors may call on the chief mine inspector for such assistance and counsel as may be necessary; should the district inspector find any of the provisions of this act violated, or not complied with by an owner, lessee or agent in charge of any mine, he shall immediately notify such owner, lessee or agent in charge of such mine of the neglect or violation, and unless the same is, within a reasonable time, rectified and the provisions of this act fully complied with, the district inspector shall institute a prosecution under the laws of the State. If the inspector find any matter, thing or practice in or connected with any such mine to be dangerous or defective so as, in his opinion, to threaten or tend to the bodily injury of any person, the inspector shall give notice in writing thereof to the owner, operator or lessee, and require the same to be remedied. For the purpose of making the inspection and examination provided for in this section, the chief mine inspector, and the district inspectors shall have the right to enter any mine at any reasonable time by day or by night, but in such manner as shall not unnecessarily obstruct the workings of the mine, and the owner, lessee or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; the inspection and examination herein provided for shall extend to fire clay, iron ore, asphalt, and all other mines, as well as coal mines.

SEC. 7. The chief inspector of mines and each of his assistants are hereby empowered to act as police officers, with full power to arrest and detain any person found violating any provisions of this act, or other law relative to mining, or engaged in any attempt to violate any such law or part thereof, or against whom there is found any evidence of a previous violation of such law: *Provided, however,* That no such person shall be detained for any period of time longer than twenty-four hours without warrant or the filing of a charge against him in a court of competent jurisdiction.

Powers.

Such inspector, and each of his assistants, shall also have power to immediately stop the operation of any mine or part thereof where any dangerous or unlawful conditions are found: *Provided, however,* That, where conditions exist justifying him to do so, he may grant a reasonable length of time for making repairs: *And provided further,* That where any stops are enforced such inspector and each of his assistants shall have the power to subsequently allow such mine or part of mine to be reopened when the dangerous or unlawful conditions have been remedied, or removed, so that they no longer exist. Every person who willfully obstructs the chief inspector, or his assistant inspectors, in the execution of his or their duties under this act, and every owner, agent, lessee or manager of a mine who refuses or neglects to furnish to the chief mine inspector or his assistants, the means

necessary for making entry, inspection, examination or inquiry, under this act in relation to such mine shall be guilty of a misdemeanor, and upon conviction, he shall be punished as hereinafter provided.

ARTICLE II.

Maps.

SECTION 1. The owner, agent, lessee or operator of every coal or other mine, shall make, or cause to be made by a competent mining engineer or surveyor, an accurate map or plan, of such coal mines, no smaller than on a scale of two hundred feet to an inch, which map shall show as follows:

(a) All measurements of said mines in feet or decimal parts thereof.

(b) All openings, excavations, shafts, tunnels, slopes, planes, main entries, rooms et cetera, in proper numerical order in each opening or stratum of coal in said mine.

(c) The directions of the air currents when practicable by darts, or arrows, marked thereon.

(d) An accurate delineation of the boundary lines between said coal mines and all adjoining mines or coal lands where owned or operated by the same operator or other operators, and the relation and proximity of the workings of said mine to every other adjoining mine or coal land.

(e) The bearings and lengths of each tunnel, or entry, or the boundary of property lines, the said map or plans, or a true copy thereof, shall be kept in the general mine office by the said operator or superintendent for the use only of the mine officials and mine inspectors, and for the inspection of all persons working in said mines whenever said person or persons shall have cause to fear that any working place is becoming dangerous by reason of its proximity to other workings that may contain water or dangerous gas.

Corrections.

SEC. 2. At least every six months, or oftener if necessary, the operator, owner, lessee, or agent of each mine shall cause to be shown accurately on the map or plan of said coal or other mine, all the excavations made therein during the time elapsing since such excavations were last shown upon said map or plan, and all parts of said mines, which were worked out or abandoned during said elapsed period of time, shall be clearly indicated by colorings on said map or plan, and whenever any of the workings or excavations of said coal or other mines have been driven to their boundary, a correct measurement of all such workings or excavations shall be made promptly and recorded in a survey book, prior to the removal of the pillars or any part of the same from such workings or excavations.

Copies to be furnished.

SEC. 3. The operator or superintendent of every coal and other mine shall furnish the mine inspectors of the district in which said mine is located with a correct copy, on tracing muslin or sun-print, of the map or plan of said mine hereinbefore provided for, and the inspector of the district shall at the end of each year, or twice a year, if he requires it, return said map or plan to the proper person at any particular mine, whose duty it shall be to place or cause to be placed, on said map or plan, all extensions and worked out or abandoned parts of the mine during the preceding six or twelve months, as the case may be, and forward the same to the district mine inspector within thirty days from the time of receiving it. When any mine is worked out or abandoned, the operator or superintendent shall furnish the mine inspector, within thirty days, with a correct plan of said mine on tracing muslin or cloth, which plan shall clearly show all the worked out or abandoned territory, together with all property and boundary lines and elevations, et cetera, required by this act. The copies of the maps or plans of the several coal and other mines in each district, as hereinbefore required to be furnished to the mine inspector, shall remain [remain] in the care of the inspector of the district in which the said mines are situated, as strictly official records, to be transferred by him to his successor in office.

SEC. 4. If any superintendent or operator of mines shall neglect or fail to furnish to the mine inspector any copy of maps or plans as hereinbefore required by this act, or, if the mine inspector shall believe that any map or plan of any coal or other mine made or furnished in pursuance of the provisions of this act, is materially inaccurate or imperfect, then in either case, the mine inspector is hereby authorized to cause a correct survey and map or plan of said mine to be made at the expense of the operator thereof, the cost of which shall be recoverable from said operator as other debts are recoverable by law: *Provided*, That when the inspector shall cause a new survey and map or plan of any such mine, and it is found that the map or plan furnished by the operator was substantially correct, then the cost of the survey, map or plan, caused to be made by the inspector, shall be paid by the State.

Failure.

SEC. 5. In the preparation of maps of the territory being, or to be, developed [developed] in mining operations, it shall be the duty of the operator, where practicable, to furnish the district inspector prospective plans suitable to the coal seam and adjacent strata, for the safe economic extraction of coal or other mineral. It shall be the duty of the operator to see that the developments are systematically conducted to preserve the health, safety and welfare of the employees and to prevent the unnecessary leaving of coal or other mineral in the ground.

Prospective plans.

ARTICLE III.

SECTION 1. The work in all coal mines of this State, operated on the room and pillar plan, shall be prosecuted in the following manner, and none other, to wit: Room and pillar work.

The entries must be driven parallel for the ingress and egress of the air, and break throughs must be made at intervals not to exceed forty feet (40) apart, or thirty feet (30) where gas is generated in dangerous quantities; and no rooms, cross entries or other openings shall be allowed to start inside of the last break through until the next one is made, and no room shall be started on any entry until the rooms previously started shall have been connected.

SEC. 2. It shall be unlawful for the operator or superintendent, mine foreman or other person, to employ more than ten persons in any coal or other mine, or permit more than ten persons to be employed therein at any one time unless they are in communication with at least two available openings to the surface from each seam or stratum of coal or other mineral worked in such mine: *Provided*, That in any mine operated by shaft or slope and ventilated by a fan placed at the second opening, and said second opening is a slope or shaft, it may be used as an air way and for a traveling way into and from the mine, and if the said second opening is a shaft through which the employees travel into and from the mine, by reason of a stairway, or are regularly lowered into and hoisted from the mine by the use of machinery and such shaft is divided by suitable material into two compartments while developing or opening the mine up, to the ten men as heretofore provided in this act, one of them may be used for an air way and the other for the purpose of ingress and egress into and from said mine: *And further provided*, That any fan shaft hereafter divided into compartments for the purpose of ventilation, and ingress and egress into and from the mines or any divided partition now in use that may hereafter be replaced, wholly or in part, shall be constructed of noncombustible material. And there shall be cut around the bottom of all hoisting shafts, or driven through the solid strata a traveling way not less than five feet high and three feet wide, to enable persons to pass from one side of the shaft to the other without passing over or under the cage or other apparatus, and there shall be cut around all other shafts a traveling way to save the necessity of passing under the shaft.

Openings to surface.

Travel ways.

SEC. 3. In all shaft mines the openings to the surface hereinbefore provided for shall be separated from each other by natural

Distance between openings.

strata at all points by a distance of not less than one hundred and fifty feet, and at all mines worked by slope openings, the distance separating openings shall not be less than fifty feet of natural strata: *Provided*, That in any mine opened prior to the passage of this act, the distance between said openings may be less, if the mine inspector of the district shall deem it impracticable to comply with the foregoing requirements. Where the two openings shall not have been provided as hereinbefore required by this act, the mine inspector shall cause the second opening to be made in every mine without delay and in no case shall furnace ventilation be used where there is only one opening into the mine.

Secondary
outlets.

SEC. 4. When the opening or outlet other than the main opening is a shaft and does not exceed seventy-five feet in vertical depth, and is used by the employees for the purpose of ingress and egress from the mine, it shall be kept in a safe and available condition and free from steam and dangerous gases and all other obstructions, and shall be fitted with safe and convenient stairs, with steps of an avrage [average] tread of ten inches, and ten inches raise, not less than two feet wide and not to exceed an angle of forty-five degrees descent, with landings of not less than eighteen (18) inches wide an[d] four feet long, at easy and convenient distances, and water coming from the surface or out of the strata in the shaft shall be conducted away by rings, cases or otherwise, and be prevented from falling upon persons who are ascending or descending the stairway of the shaft.

Holsts to be
provided, when.

SEC. 5. When any mine is operated by a shaft which exceeds seventy-five (75) feet in vertical depth, the persons employed in said mine shall be lowered into and raised from said mine by means of machinery, and where the employees are lowered into and hoisted from the mines at the main shaft opening, the other shaft shall be supplied with safe and suitable machinery for hoisting and lowering persons, or with safe and convenient stairs for use in cases of emergency by persons employed in said mine: *Provided*, That any mine operated by two shafts, and where safe and suitable machinery is provided at both shafts for hoisting coal or other mineral, or persons, as herein provided for, shall have sufficiently complied with the requirements of this section.

Angle of de-
scent.

SEC. 6. At any mine where one of the two openings as required herein, is a slope and is used as a traveling way, it shall not have a greater angle of descent than twenty degrees and may be of any depth.

Inspection of
ropes, etc.

SEC. 7. The ropes, chains, machinery and all of its connections used for lowering or raising the employees into or out of the mines, and the stairs used for ingress and egress shall be kept in a safe condition, and inspected once every twenty-four hours by a competent person provided by the mine operator for that purpose, who shall make a daily record of such inspection in a book provided for that purpose, and such machinery and the method of its inspection shall be approved by the mine inspector of the district in which the mine is situated.

ARTICLE IV.

Speaking
tubes, signals,
etc.

SECTION 1. The operator or superintendent shall provide and maintain from the top to bottom of every shaft, where persons are raised or lowered, a metal tube suitably adapted to the free passage of sound through which conversation may be held between persons at the top and bottom of said shaft and also a means of signaling from the top to the bottom thereof, and shall provide every cage or gear carriage used for the hoisting or lowering of persons with a sufficient overhead covering to protect those persons when using the same and shall provide also for each said cage or carriage a safety catch approved by the mine inspector, and the said operator or superintendent shall see that flanges with clearance of not less than four inches when the whole of the rope is wound around the drum, are attached to the sides of the drum of every machine that is used for lowering or hoisting

Cages and
drums.

persons to and out of the mines, and also, that adjacent brakes are attached to the drums: *Provided*, The rope shall be left around the drum at least two and one-half times when the cage is at the bottom; at all shafts, safety gates to be approved by the mine inspector of the district, shall be so placed as to prevent persons from falling into the shaft.

SEC. 2. The main coupling chain, attached to the socket of the wire rope, shall be made of the best quality of iron and shall be tested by weights, or otherwise, to the satisfaction of the mine inspector of the district where the mine is located, and the bridle chains shall be attached to the main hoisting rope above the socket from the top cross piece of the carriage or cage so that no single chain shall be used for lowering or hoisting persons into or out of the mine. Coupling chains, etc.

SEC. 3. No greater number of persons shall be lowered or hoisted at any one time than may be permitted by the mine inspector of the district, and notice of the number so allowed to be lowered or hoisted at any one time shall be kept posted up by the operator or superintendent in conspicuous places at the top and bottom of the shaft, and the aforesaid notice shall be signed by the mine inspector of the district. Number of persons to be hoisted.

SEC. 4. The ropes, chains, machinery and all of its connections used at the operating shaft and slope mines, where the employees are lowered into or hoisted from the mine, and the same used on all gravity and inclined planes, shall be inspected and a record made of said inspection in the same manner as provided for in section 7, article 2 of this act. At all mines all machinery from which any accident might occur shall be properly fenced off by suitable guard railings. Inspection.

ARTICLE V.

SECTION 1. The operator of every coal or other mine, whether shaft, slope or drift shall provide and hereafter maintain ample means of ventilation affording not less than one hundred and fifty (150) cubic feet of air per minute, for each and every person employed therein, and seven hundred and fifty (750) cubic feet of air per minute for every animal employed therein; but, in a mine where fire damp has been detected, the minimum shall be two hundred cubic feet per minute for each person employed therein, and as much more in either case as one or more of the mine inspectors may deem requisite, and the ventilation shall be conducted through the main cross entries and all other working places, so as to dilute and render harmless and expel therefrom, the noxious and poisonous gases, and all working places shall be kept clear of standing gases. Ventilation.

SEC. 2. Not more than forty-five (45) persons shall be permitted to work in the same air current and mines where ten or more persons are employed shall be provided with a fan or other artificial means to produce the ventilation, but no furnace shall be used where mines generate gases in dangerous quantities, and all stoppings between main intake and return air ways hereafter built or replaced shall be substantially built of suitable masonry, or concrete which shall be approved by the inspector of the district. Number of persons to one air current.

SEC. 3. All ventilating fans shall be kept in operation night and day unless operations are indefinitely suspended, except written permission is given by the mine inspector of the district to stop the same, and the said written permission shall state the particular hours the said fan may not be in operation, and the mine inspector shall have the power to withdraw or modify such permission as he may deem best, but in all cases the fan shall be started three hours before the time for work to begin, and such written permission to stop the fan shall not apply to fans in use at mines wherein explosive gas is generated. When the fans may be stopped by the permission of the mine inspector, a notice printed in the various languages used by persons employed in the mine, Fans.

stating at what hours the fan will be stopped and the time it will again be set in motion, shall be posted by the mine foreman in a conspicuous place at the entrance or entrances to the mine: *Provided*, That should it at any time become necessary to stop the fan on account of accident or needed repairs to any part of the machinery connected therewith, or by reason of any other unavoidable cause, it shall then be the duty of the mine foreman, or any other official in charge, after first having provided for the safety of the persons employed in the mine, to order said fan to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of its stoppage, and all ventilating furnaces in mines shall for three hours be started before the appointed time to begin work and during working hours be properly attended by a person employed for that purpose; in mines generating fire damp in sufficient quantities to be detected by the ordinary safety lamps, all main break throughs between slopes and air courses, air bridges or overcasts shall be built of masonry or other noncombustible material of ample strength, or be driven through the solid strata. In all mines the doors used for guiding and directing the ventilation of the mine, shall be so hung and adjusted that they will close themselves, or be supplied with springs or pulleys so that they can not be left standing open, and an attendant shall be employed at all doors, through which cars are hauled, for the purpose of opening and closing said doors when trips or cars are passing to and from the workings, unless approved self-acting doors are used which doors shall be determined by the mine inspector and mine foreman. A hole for shelter shall be provided at each door, so as to protect said attendant from being run over by the cars while attending to his duties; and persons employed for this purpose shall at all times remain at their post of duty during working hours: *Provided*, That the same person may attend two doors where the distance between them is not more than one hundred feet. At all principal doors and every inclined plane or roadway in any mine where haulage is done by machinery, and where a door is used, an extra door shall be provided to be used in case of necessity.

B r e a k
throughs.

Doors.

S h e l t e r
holes.

ARTICLE VI.

Gas to be re-
moved.

SECTION 1. All mines, generating fire damp, shall be kept free of standing gas in all working places and roadways. No accumulation of explosive gas shall be allowed to exist in the worked out or abandoned parts of any mine. It shall be removed as soon as possible after its discovery, and no miners or other persons who are not employed in the removal of the dangerous accumulation, shall be allowed to remain in any mine, or part of mine, during the time that a dangerous accumulation of explosive gas is being removed from any part of the mine, and the entrance or entrances to be worked out and abandoned places, shall be properly fenced off and cautionary notices shall be posted upon said fencing to warn persons of danger.

Examination
of working
places and
roadways.

SEC. 2. In all mines wherein explosive gas is generated, and also in all mines where the fire damp has been or shall be generated, after the passage of this act, in sufficient quantities to be detected by the ordinary safety lamp, every working place without exception, and all roadways shall be carefully examined immediately before each shift by a competent person, or persons, appointed by the superintendent and mine foreman for that purpose. The person or persons making such examination shall use no light other than that enclosed in a safety lamp while making such examination. In all cases, said examination shall be begun within the shortest possible period of time necessary to complete such inspection before the regular time appointed to commence work, but in no case shall said examination be begun more than three hours prior to the appointed time of each shift in commencing work, and it shall be the duty of the said fire boss to examine for all dangers likely to be found, and after each examination to leave at the face

and sides of every place so examined, evidence of his presence, and he shall at each examination, inspect the entrance, or entrances, to the worked out or abandoned parts, which are adjacent to the roadways and working places of the mines where fire damp is likely to accumulate, and in every working place and all other places where explosive gas is discovered, also where immediate danger is found to exist from other causes he shall place a danger signal across the entrance to such places, which shall be a sufficient warning for all persons not to enter said place.

SEC. 3. The fire boss shall at each entrance to the mine, or to the main intake airway, near to the mine entrance, prepare a permanent station with the proper danger signals [signals] designated as follows: Danger signals.

X—(Date of Month)—X

and it shall not be lawful for any person or persons, except the mine officials in cases of necessity, and such other persons as may be designated by them, to pass beyond said danger station, until the mine has been examined by the fire boss as aforesaid, and the same, or certain parts thereof, reported by him to be safe; and in all mines where operations are temporarily or indefinitely suspended, the superintendent and mine foreman shall see that a danger signal be placed at the mine entrance, or entrances, which shall be a sufficient warning to persons not to enter the mine, and if ordinary circulation of air through the mine be stopped, each entrance to said mine shall be securely fenced off and a danger signal shall be displayed upon said fence, and any workman or other person (except those persons hereinbefore provided for) passing beyond any danger signal into the mine before it has been examined and reported to be safe as aforesaid, also any person or persons passing beyond any danger signal placed at the entrance to a working place, or any other place, in the mine without permission of the mine foreman, his assistant or his fire boss, shall be deemed guilty of a misdemeanor, and it shall be the duty of the fire boss, mine foreman, or superintendent to forthwith prosecute such person, or persons, before the proper legal authority, or to notify the mine inspector, who shall enter proceedings against such person or persons, and upon conviction thereof, shall be punished as provided for in section two, of Article XII, of this act.

SEC. 4. Three months after the passage of this act, in all mines in this State, where electricity is, or hereafter shall be, used as a part of the system, power or means of mining and procuring the coal or other mineral from any of said mines, the owners, or operators, of every such mine shall cause all wires conducting electricity in and about said mines, to be carefully and thoroughly insulated or protected in a safe manner, so that the persons or animals coming in contact therewith, shall not be injured thereby; all wires as aforesaid, shall either be thoroughly insulated, or placed where persons employed in or about the mines can not come in contact therewith, or shall be covered, protected or shielded in a safe manner so as to prevent any injuries or accidents therefrom to those in or about the mines. Electric wires to be insulated.

SEC. 5. In all mines where mining machines are used, each machine shall be equipped and provided with a sufficient shield for the protection of those employed in or about said machines, the use and operation thereof, and said shield shall be kept in use constantly while said machine is being operated. All electric pumps inside of the mine shall receive careful attention while in use at a permanent pumping station, such pumps shall be placed in a fire-proof shed, constructed of masonry walls. Shields for machines.

SEC. 6. A suitable record book with printed headlines, prepared by the chief mine inspector, shall be kept at each mine, and immediately after each of the examinations of each mine, made by the fire boss or bosses, a record of the same shall be entered in said book, signed by the person or persons making such examinations, which shall clearly state the nature and location of any danger which he, or they may have discovered, and the fire boss of the Records.

mine, or mine foreman, whose duty it shall be to remove the danger, or to cause the same to be removed, as for [far] as practicable; and the mine foreman shall also each day carefully counter-sign all reports entered by the fire boss or fire bosses.

Bore holes.

SEC. 7. In any place that is being driven towards, or in dangerous proximity to, an abandoned mine or part of mine, suspected of containing inflammable, noxious or poisonous gasses, [gases] or which may be inundated with water, bore holes shall be kept not less than twelve feet in advance of the face and on the sides of such working places, said side holes of the same depth shall be drilled diagonally, not more than eight feet apart, and at any place driven to tap water or gas, shall not be more than ten feet wide, and no water or gas, from an abandoned mine, or part of a mine, and no bore holes from the surface shall be tapped until the employees, except those engaged at such work, are out of the mines, and such work is to be done under the immediate supervision of the mine foreman.

Sprinkling
dusty places.

SEC. 8. In case any entry, or room in any coal mine in this State, is so dry that the air become clogged with dust, the operator, owner, lessee or agent, or whoever is operating said mine in any capacity, shall have such entry, air way or room, regularly and thoroughly sprinkled, sprayed and dampened with water, so that the air will not be charged with dust, or if that be impracticable, then the dust shall be removed from the mine and shall not be deposited in any place in the mine where it would be again distributed in the atmosphere by the ventilating currents. It shall be the duty of the district inspector to enforce all possible preventative measures necessary to maintain the safety of all persons employed in any mine against the gathering or accumulation of any combustible [combustible] matter that is explosive in its nature, and shall cause the operator, or whosoever is operating such mine as owner, lessee, agent, or in any capacity, to immediately remove any such accumulated matter.

ARTICLE VII.

Mine fore-
men.

SECTION 1 (as amended by act, page 383, Acts of 1909). The operator shall employ a competent and practical inside overseer for each and every mine employing ten or more persons inside, to be called mine foreman, (who shall have charge of the inside operations of the mine,) and shall see that the provisions of this act are strictly enforced. Said mine foreman, or in case of his necessary absence, an assistant chosen by him, shall devote the whole of his time to his duties in the mine when in operation, and shall keep a careful watch over the ventilating apparatus and air ways, traveling ways, timbering, pumps and drainage, and shall often instruct and as far as possible see, that [as] the miners advance their excavations[,] All dangerous slate and rock overhead are taken down or carefully secured against falling therein, or on the traveling and hauling ways, and that sufficient props, caps and timbers of suitable size are sent into the mine when required, and all props shall be cut square at both ends, and as near as practicable to a proper length for the places where they are to be used, and such props, caps and timbers shall be delivered to the working face by company men.

Duties.

Timbers to
be supplied.

SEC. 2 (as amended by act, page 383, Acts of 1909). The mine foreman shall see that all miners in said mine are supplied at all times with such timbers, props and cap pieces as are necessary to keep his working place in a safe condition. Such timber to be sawed square as near as possible in proper length to fit the working place. All such timbers, props and cap pieces shall be delivered at the face of the miners working place in said mine by company men. Timbers in this section shall mean all wood to be used by said miner, and if from any cause, the timbers can not be supplied where required, the said mine foreman shall instruct the person to vacate all said working places until supplied with the timber needed, and shall see that all water be drained or hauled

out of all working places before the miner enters, and as far as practicable, kept dry while the miner is at work. The term "company men" as used in this act shall mean those employed regularly as day hands and paid by shift wages. "Company men."

SEC. 3. It shall be the duty of the mine foreman to see that the proper break throughs are made in all the room pillars at such distances as in the judgment of the mine inspector may be deemed necessary for proper ventilation, but not more than thirty feet apart where gas exists and in no case more than forty feet apart, and the ventilation shall be conducted through said break throughs into rooms by means of check doors made of canvas, or other suitable material, placed on the entries or in other urouer [proper] places, and he shall not permit any room to be opened in advance of the ventilating current, or when the rooms already made are not connected. He shall also see that the air current is conducted to the face of all the entries, air ways, rooms, and other advance workings, so as to dilute and render harmless all noxious and poisonous gasses [gases]. Should the mine inspector discover any room, entry, air way or other working places being driven in advance of the air current contrary to the requirements of this section, he shall order the workmen working in such places to cease work at once, until the law is complied with. Break throughs to be made.

SEC. 4. In all hauling roads, on which hauling is done by animal power, and whereon men have to pass to and from their work, holes for shelter, which shall be kept clear of obstruction shall be made at least every thirty yards and be kept whitewashed, but shelter holes shall not be required in entries from which rooms are driven at regular intervals not exceeding fifty feet where there is a space of four feet between the car and rib. But in no case shall men be permitted to travel to and from their work on hauling roads where hauling is done by machinery, and where such hauling is done there shall be a manway provided for men to travel to and from their work. Said manway shall be six feet in width and five feet in height [height], and shall be kept clear of all obstructions, and shall be properly timbered. Shelter holes.

SEC. 5. The mine foreman shall measure the air current at least once a week at the inlet and outlet, and at or near the faces of the entries, and shall keep a record of such measurements. An anemometer shall be provided for this purpose by the operator of the mine. Air current to be measured.

SEC. 6. The mine foreman shall give prompt attention to the removal of all dangers reported to him by the fire boss, or any other person working in the mine, and the said mine foreman, or his assistant, shall visit and examine every working place therein at least once every day, while the miners of such places are, or should be at work, and shall direct that each and every working place be properly secured by props or timbers, and that no person shall be directed or permitted to work in an unsafe place, unless it might be for the purpose of making it safe. Reported dangers.

SEC. 7. Where the mine workings are so extensive that the mine formen [foreman] is unable personally to carry out all the requirements of this act, as pertaining to his duties, he shall give his personal attention to any part or parts of the mine where he may deem it necessary, and the operator shall employ a competent person or persons to act as his assistant or assistants, who shall act under his instructions in carrying out the provisions of this act, and in all mines where fire damp is generated, the said assistant or assistants shall possess the same qualifications of the mine foreman. Assistant foremen.

SEC. 8. The mine foreman shall each day enter in a record book the conditions of the mine, signed by himself, which shall clearly state any danger that may come under his observation during the day, and shall also state whether he has a proper supply of material on hand for the safe working of the mine, and whether all requirements of the law are strictly complied with. He shall once a week enter, or cause to be entered, plainly with ink in said book a true record of all air measurements required by this act, Records.

and such books shall at all times be kept at the mine office for examination by the mine inspector of the district, and any person working in the mines. All printed rules and notices (1) regulating the stoppage of ventilation fans; (2) regulating the number of persons to be lowered and hoisted on cages at any one time at shaft mines; also all record books required by this act, shall be provided by the chief mine inspector, and it shall be the duty of the superintendents and mine foremen to see that said rules, notices and record books are properly cared for and preserved in good condition.

ARTICLE VIII.

Oiling cars. SECTION 1. The oiling or greasing of cars inside of the mines is strictly forbidden, unless the place where said oil or grease is used is thoroughly cleansed once every day to prevent the accumulation of waste oil or grease on the roads or in the drains at that point. Not more than one barrel of lubricating oil shall be permitted in the mine at any one time. No explosive oil shall be used or taken into the mines for lighting purposes except when used in approved safety lamps, and oil shall not be stored or taken into the mines in quantities exceeding five gallons. Only pure oils, as free from smoke as pure animal oil shall be sold or used for illuminating purposes in any mine. Any person selling for use in mines, or any person using, explosive or impure oils in any mine contrary to this section, shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided for in section 2, of Article XII of this act. For special convenience, the operator shall keep on hand a supply of pure oil for illuminating purposes, to comply with the requirements of this section, when requested to do so by a majority of the miners working therein.

Illuminating oil.

Working near accumulated water.

Sec. 2. No operator shall be permitted to mine coal within two hundred feet of any abandoned mine containing a dangerous accumulation of water until said danger has been removed by driving a passage way so as to tap and drain off said water as provided for in this act.

Rules to be posted.

Sec. 3. All operators of coal or other mines shall keep posted in a conspicuous place the special and general rules embodied in, and made a part of this act, defining the duties of all persons employed in and about said mine, which said rules shall be printed in the English language at the expense of the State, and in such other language or languages as are used by any ten persons working therein, at the expense of the operator. It shall be the duty of the mine inspector to furnish to the operator printed copies of such rules in the English language as are required by this section, and to certify their correctness over his signature; said rules shall be furnished the chief mine inspector by the State.

ARTICLE IX.

Provisions for accidents.

SECTION 1. It shall be the duty of the operators or superintendents to keep at the mouth of the shaft, drift or slope, or at such other place about the mine as shall be designated by the mine inspector, stretchers properly constructed, and woolen and waterproof blankets in good condition for use in carrying away any person who may be injured at the mine, and in all mines a sufficient quantity of linseed, olive oil, bandages, linen and such other remedial agents as may be prescribed by the county board of health, and shall be kept in relief stores in the mine for use in emergency. And bandages shall be kept in all mines. And [in] mines extending a mile or more from means of egress, one or more inside or outside relief stores shall be fitted up under arrangement of the mine officer with the inspector.

ARTICLE X.

Monthly reports.

SECTION 1. On or before the fifth day of each month the operator superintendent of every coal or other mine shall send to

the mine inspector of the district in which said mine is located, a correct report, specifying with respect to the month preceding, the name of the operator and officer of the mine and quantity of coal or other mineral mined, number of tons of coke manufactured, the number of different employees classified, total number of days worked during the month. The report shall be in such form and give such information regarding said mines as may be from time to time required and prescribed by the chief mine inspector. Blank forms for such reports shall be furnished by the State. Said statistical reports returned to the mine inspector shall, on approval by him, be forwarded by him to the chief inspector of mines, for compilation and direct entry into the annual, general report of the chief mine inspector to the governor of the State.

ARTICLE XI.

SECTION 1. Rule 1. The mine foreman shall attend personally to his duties in the mine and carry out all the instructions set forth in this act, and see that the regulations prescribed for each class of workmen under his charge are carried out in the strictest manner possible, and see that any deviations from or infringements of any of them are properly adjusted. Duties of mine foremen.

Rule 2. He shall cause all stoppings along the air ways to be properly built.

Rule 3. He shall see that the entries at such places, where road grades necessitate, are supplied with sprays [sprags] or brakes to be used to allow the driver to pass his trip safely and keep clear of the cars thereto.

Rule 4. In case of accident to a ventilating fan, or its machinery whereby the ventilation of the mine would be seriously interrupted it shall be his duty to order the men to immediately withdraw from the mine and not allow their return to their work until the ventilation has been restored, and the mine has been thoroughly examined by him or his assistant and reported to be safe.

Rule 5. He shall see that all dangerous places are properly fenced off and proper danger signals plainly shown on the fencing. He, or his assistant shall also travel and examine all air roads and shall make a record of their condition in the daily record book, at least once each week, and examine all openings that give access to old workings as often as it is necessary to insure safety.

Rule 6. He shall, on blank forms provided by the chief mine inspector for the purpose, within ten days after their occurrence [occurrence], report to the mine inspector, all fatal and serious accidents occurring in or about the mines, giving age, nationality, and occupation of the injured persons, together with the facts as to the families or dependents affected, et cetera, but he shall, as hereinbefore provided, give immediate notice of all fatal accidents.

Rule 7. He [the fire boss] shall enter the mine before the men have entered it and before proceeding to examine the same, he shall see that the air current is traveling in its proper course and then he shall proceed to examine the workings. Duties of fire boss.

Rule 8. He shall not allow any persons, except those duly authorized, to enter or remain in any part of the mine through which a dangerous accumulation of gas is being passed in the ventilation current from any other part of the mine.

Rule 9. He shall frequently examine the edge and accessible parts of new falls and old gobs and air courses, and shall strictly conform to all the requirements of this act, relative to his duties, and he shall report at once any violation of this act to the mine [mine] foreman.

ARTICLE XII.

SECTION 1. All owners, lessees, operators or any other persons having the control and management of any coal shaft, drift, slope or pit in this State, employing ten or more miners to work therein, shall employ shot fiers [firers] at operators expense, to fire the shots therein. Said shots shall be fired at the end of each shift, Shot firers.

but not until all miners and other employees, working therein, are out of said mine.

- Violations.** SEC. 2. Any miner, or other person, who shall fire any shot in violation of section one, of Article XII, of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum of not less than fifty dollars, nor more than two hundred dollars, or imprisonment in the county jail, when such an offense is committed, not to exceed thirty days, or by both such fine and imprisonment; proceedings to be instituted in any court having competent jurisdiction.
- Explosives.** SEC. 3 (as amended by act, page 383, Acts of 1909). All explosives taken into the mine shall be delivered at the working place of each miner by the company and all explosives shall be taken into the mine before the miner enters and the surplus powder or explosives shall be taken out by the company from each working place before shots are fired; and no explosives shall be taken out of the mine until the end of the shift and all miners have gone out; and the method, where jack, canista [canister] or kegs are used, also the amount per day, shall be determined between the mine foreman and the inspector of the district.
- Duties of shot firers.** SEC. 4. No shot firers shall enter any mine, for the purpose of firing shots, nor shall any shots be fired until all employees shall have left the mines. No person, other than the shot firers shall tamp any hole, and in the process of charging and tamping a hole, where needles are used, no iron or steel pointed needle shall be used; the needle used in tamping the shot shall be made of copper, and the tamping bar shall be tipped with at least five inches of copper.
- Tamping holes.** SEC. 5. All holes shall be tamped with fire clay, or other non-inflammable material, suitable for use in tamping, and in no case, shall coal drillings, coal dust, or small pieces of coal be used in tamping, and it shall be the duty of the mine owner, operator, lessee or agent of all coal mines to furnish the miner with suitable tamping material, delivered to his working place, to be prepared by the miner and placed at the mouth of each hole ready for the shot firer to use in tamping.
- Firing shots.** SEC. 6. It shall be unlawful for any shot firer or shot firers to light the shots in more than one working place at any one time in any one split of air.
- Violations.** SEC. 7. The neglect, failure or refusal to perform any of the duties required by any section of this act, by any firm, association, corporation, person or parties required to perform them, shall be a misdemeanor, and where the duty so neglected, failed or refused to be performed is by the terms of this act required of a corporation, then its officer or agent in charge of the mine, shall be guilty, as hereinbefore provided for in this section, and, except as herein otherwise provided, shall upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or imprisonment in the county jail, for a period not exceeding six months, or both such fines and imprisonment: *Provided*, That nothing in this act shall be construed so as to relieve any person, firm, company or corporation from liability or damages in a civil action.
- Employment of children.** SEC. 8. Boys under the age of sixteen years, and women and girls shall not be employed underground in the operation of mines in this State. And, except in cases of emergency, eight (8) hours shall constitute a day's work underground in all mines of this State.
- Hours of labor.**
- Definitions.** SEC. 9. The term "mine committee" as used in this act shall be construed to mean the committee selected by the miners of each mine. The terms "assistant inspector," "district inspector," and "district mine inspector" as used in this act shall be construed to mean "assistant mine inspector." The term "operator" as used in this act means any firm, corporation, association or individual operating any coal or other mine in this State.
- Repeal.** SEC. 10. The act of Congress entitled "An act for the protection of the lives of miners in Territories," approved March 3, 1891, and the act of Congress entitled "An act to amend an act entitled

'An act for the protection of the lives of miners in Territories,' approved July 1, 1902, and extended over the State of Oklahoma, by section 13, under schedule, page 101, of the constitution of the State of Oklahoma, shall no longer be in force in this State, and that all laws and parts of laws in conflict with this act, or any of the provisions hereof, are hereby repealed.

Approved April 6, 1908.

Railroads—Headlights on locomotives.

(Page 645.)

SECTION 1. Every company, corporation, lessee, manager or receiver, owning or operating a railroad in this State, is hereby required to equip and maintain and use upon each and every locomotive being operated in road service in this State, an electric or other headlight of at least 1500 candlepower, measured without the aid of a reflector: *Provided*, That this act shall not apply to locomotive engines regularly used in switching cars or trains: *And provided further*, That this act shall not apply to locomotive engines used exclusively between sun up and sun down, nor going to nor returning from repair shops when ordered in for repairs.

Headlights required.

SEC. 2. Any railroad company, or the receiver, or lessee thereof, doing business in the State of Oklahoma, which shall violate the provisions of this act, shall be liable to the State of Oklahoma for the penalty [penalty] of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars for each offense. And such penalties shall be recovered and suit brought, in the name of the State of Oklahoma, in any court of competent [competent] jurisdiction, in any county in or through which such line of railroad may run, by the attorney-general, or by the county attorney in any county, in or through which such line of railroad may be operated.

Violations.

Approved March 12, 1908.

Steam boilers—Repairing, cleaning, etc.

(Page 647.)

SECTION 1. It shall be unlawful for any railroad corporation, company or any other person, firm or corporation, using steam boilers, to either by themselves or their agents, command, insist or order, any of their employees to enter any steam boiler, fire box, or smoke chamber thereto, for the purpose of repairing or cleaning the same or for any other purpose when the same is under steam pressure.

Entering boilers, etc.

SEC. 2. Any officer, superintendent, foreman, boss, or other person in authority who, on behalf of any railroad corporation or any other person, firm or corporation, using steam boilers, violating any of the provisions of section one of this act, shall be deemed guilty of a felony, and shall, upon conviction, be punished by imprisonment for a period of not less than six months nor more than two years.

Violations.

SEC. 3. Should any employee enter such boiler, fire box, or smoke chamber, while the same is under pressure of steam, at the command or order of his employer, or the agent of such employer, and while inside of such boiler, fire box or smoke chamber, meet with an accident resulting in his death, the person or persons commanding or ordering him to enter such boiler, fire box or smoke chamber, shall be guilty of manslaughter in the second degree, and on conviction therefor shall be punished by imprisonment in the penitentiary at hard labor not less than two years nor more than ten years.

Liability.

SEC. 4. The fact that [an] employee entering such steam boiler, fire box, or smoke chamber had knowledge of the unsafe condition of such steam boiler, and danger in so doing, and meeting with an accident shall not deprive him of a right of action against such employer for damages, and should said accident result in

Knowledge not a defense.

the death of such employee, then the wife or next of kin, shall have a right of action against such employer for any damages she, they or the estate of such deceased employee, may sustain by reason of the death of such employee, which action may be commenced in any court of competent jurisdiction.

Approved March 23, 1908.

ACTS OF 1909.

Employment of children.

(Page 629.)

Age limit.	SECTION 1. No child under the age of fourteen years shall be employed or permitted or suffered to work in any factory, factory workshop, theater, bowling alley, pool hall, steam laundry or in any occupation injurious to health or morals or especially hazardous to life or limb. It shall be the duty of the commissioner of labor upon investigation by himself or the agents of his department, or upon complaint of the commissioner of charities and corrections, or the board of health, to determine what occupations are injurious to health or morals or especially hazardous to life or limb, and to notify employers in such occupations of his decision, which decision shall be final until such occupation or occupations shall be defined by law as safe for health, morals, life and limb.
Dangerous, etc., occupations.	SEC. 2. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations: Oiling or assisting in oiling, operating, wiping or cleaning any dangerous machinery, or adjusting any belt to any such machinery, while in motion; operating, or assisting in operating, circular or band saws; steam boilers, steam machinery, or other steam-generating apparatus; rolling-mill machinery, punches or shears; washing, grinding or mixing mills; passenger or freight elevators; preparing any composition in which dangerous or poisonous acids are used; manufacturing of paints, colors or white lead; where there are acids, dyes, lyes, gases, glass dust or other dust or lint in such quantities as to be injurious to health; dipping, dyeing ^(a) or packing matches; manufacturing, packing or storing powder, dynamite, nitroglycerine compounds, fuses or other explosives; manufacture of goods for immoral purposes; nor shall females under the age of sixteen years be employed in any capacity where such employment compels them to remain standing constantly.
Employments prohibited.	SEC. 3. No child under the age of sixteen years and no girl or woman shall be employed or permitted or suffered to work underground in any mine or quarry.
Employment in mines.	SEC. 4. No girl under the age of sixteen years shall, in any city, sell, or expose or offer for sale newspapers, magazines or periodicals in any street or out-of-doors public place.
Girls not to sell papers.	SEC. 5. No child under the age of sixteen years shall be employed or permitted or suffered to work in any of the occupations specified in section one of this act unless such child is able to read and write simple sentences in the English language, or shall have attended some school during the preceding year for the time that attendance is compulsory under the laws.
Literacy test.	SEC. 6. No child under the age of sixteen years shall be employed or permitted or suffered to work in any gainful occupation, except agriculture or domestic service, more than eight hours in any one day, allowing one hour each day for noonday meal and rest, or more than forty-eight hours in any one week. During the time that a child is at work at such occupation, the employer must
Hours of labor.	
Seats.	

^a It is possible that *drying* was intended, as drying is an essential and dangerous process in matchmaking, while *dyeing* is not.

provide suitable seats and permit their use so far as the nature of the work allows.

SEC. 7. No boy under the age of sixteen years and no girl under the age of eighteen shall be employed or permitted or suffered to work in any of the occupations mentioned in section one of this act between the hours of six o'clock p. m. and seven o'clock a. m.

Night work.

SEC. 8. Before any child under the age of sixteen years shall be employed in any occupation specified in section one of this act, it shall be the duty of the parent or guardian of such child to procure and furnish the employer of such child an age and schooling certificate as hereinafter provided by this act.

Certificates.

It shall be the duty of every person, firm or corporation of such establishments as are specified in section one of this act, or employers in such occupations, to keep on file for the inspection of factory inspectors, truant officers, or other persons charged with the administration of this act, such age and schooling certificate, for every child under sixteen years of age employed in such occupation, and to keep on file and to post conspicuously in every room where such children are employed a register, with a complete list of children under sixteen years of age so employed, together with the age of each child as set forth in the age and schooling certificate opposite the name of such child, and also to keep on file and to post conspicuously in such place or establishment, in such form as the factory inspector may prescribe, the time of opening and closing of such factory or other establishment, the number of hours of labor required or permitted in such establishment, the hours of commencing and stopping work, and the time allowed for meals, and if there be two or more shifts in such establishment the number of hours in each shift during which the employees are required or permitted to work. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The inspector of factories, truant officer or other person charged with the administration of this act, may make demand on an employer in whose factory or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory or establishment. Such officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to such officer, within ten days after such demand, such evidence of age herein required by him, and shall thereafter continue to employ such child to work in such factory or establishment, proof of the giving such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this provision of this act that such child is under sixteen years of age and is unlawfully employed.

Files.

Schedule to be posted.

Enforcement.

SEC. 9. The age and schooling certificate shall be approved only by the county superintendent of public instruction, or other school official designated by him, who shall, for the purpose of this act, be empowered to administer an oath.

Who approves certificates.

SEC. 10. The age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, or certificate of birth, or the register of the city or county, or an affidavit of the date of such birth by a legally registered physician residing therein, stating the time of birth of such child, or the school record of such child, in the public or other school, setting forth the age of such child: *Provided*, That in cases where such evidence can not be obtained and the child appears to be in good health, and of normal size, of not less than sixty inches in height

Evidence.

and weighing not less than eighty pounds, the parent or guardian of such child may make affidavit stating the age, place and time of birth of such child, or if the child shall have no parent or guardian, such affidavit may be made by the child. The affidavits required by this section must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. The employment certificate shall not be issued until such child has further personally appeared before the officer issuing the same and he is satisfied that such child is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Certificate
of school at-
tendance.

Sec. 11. The age and schooling certificate shall not be approved until the parent or guardian of such child shall present a school attendance certificate as hereinafter prescribed by this act. A duplicate of such age and schooling certificate shall be filled out and sent by the school officer, before whom the same is made, to the commissioner of labor. The blank forms for school attendance certificate and for the age and schooling certificate shall be supplied to the county superintendents of public instruction by the state superintendent of public instruction as hereinafter indicated:

SCHOOL ATTENDANCE CERTIFICATE.

----- (Name of school)

----- (City and county)

----- (Date)

This certifies that (name of child) can read and write simple sentences in the English language and that according to the records of this school and in my belief is now (number of years and months) old, and has attended school during the full school term of the preceding year.

----- (Name of parent or guardian)

----- (Residence)

(Signature of teacher) -----

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am (father, mother or guardian) of (name of child) and that he (or she) was born at ----- (town or city) ----- (county) ----- (State or county [country]) on the (day, month and year of birth) and is now (number of years and months old).

----- (Signature of parent or guardian)

----- (Date)

----- (City or town or county)

Personally appeared before me the above-mentioned (name of person signing) and made oath that the foregoing certificate is true to the best of his (or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child), height (feet and inches), weight (pounds), complexion (fair or dark), hair (color), eyes (color), having no sufficient reason to doubt that he (or she) is of the age therein certified.

OWNER OF CERTIFICATE.

This certificate belongs to _____ (name of child) and is to be surrendered to him (or her) whenever he (or she) leaves the service of the employer holding the same, but if not claimed by said child within thirty days after leaving said service, shall be sent to the commissioner of labor.

(Signature of officer, with name of city, town or county, and date.) _____

SEC. 12. Any person, firm or corporation violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment for not less than ten nor more than thirty days, or by both such fine and imprisonment. The employment of any child under sixteen years of age, without a certificate as herein prescribed, or the employment of any child under sixteen years of age or any girl or woman underground in any mine or quarry, or the signing of any false statement as to the age of any child, or the making of any false statement in an affidavit of an employer, shall be prima facie evidence of guilt. It shall be the duty of the commissioner of labor to see that the provisions of this act are enforced, with the exception of section three shall be enforced by the mine inspector or under his direction.

Violations.

Approved March 2, 1909.

Hours of labor on public works—Rates of wages.

(Page 635.)

SECTION 1. Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed by or on behalf of the State of Oklahoma, or by or on behalf of any county, city, township, or other municipality of this State, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, prison guards, janitors in public institutions, or other persons so employed by or on behalf of the State of Oklahoma, or any county, city, township, or other municipality of said State; and laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts within the State of Oklahoma, or within any county, city, township, or other municipality thereof, shall be deemed to be employed by or on behalf of the State of Oklahoma, or of such county, city, township, or other municipality thereof.

Eight hours
a day's labor.

Proviso.

Rates of
wages.

SEC. 2. All contracts hereafter made by or on behalf of the State of Oklahoma, or by or on behalf of any county, city, township, or other municipality of said State, with any corporation, person or persons for the performance of any public work, by or on behalf of the State of Oklahoma, or any county, city, township, or other municipality, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons, to require, aid, abet, assist, connive at, or permit any laborer, workman, mechanic, prison guards, janitors of public institutions, or other person to work more than eight hours per calendar day in doing such work, except in cases and upon the conditions provided in section one of this act.

Basis of con-
tracts.

Violations.

Sec. 3. Any officer of the State of Oklahoma, or of any county, city, township, or municipality of said State, or any person acting under or for such officer, or any contractor with the State of Oklahoma, or any county, city, township, or other municipality thereof, or other persons violating any of the provisions of this act, shall for each offense be fined in a sum of not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), or punished by imprisonment of not less than three months nor more than six months. Each day such violation continues shall constitute a separate offense.

Approved March 22, 1909.

Free public employment office.

(Page 636.)

Branch of
office.

SECTION 1. The commissioner of labor is hereby authorized to establish a branch free employment agency at some point on the east side of the State, where in his opinion, the convenience of the greatest number of people may be served.

Superintendent.

Sec. 2. The commissioner of labor is hereby empowered to appoint an attendant for said agency, whose salary shall not exceed six hundred (\$600) dollars per annum, and all necessary expenses incurred in the conducting of said agency.

Expenses.

Sec. 3. There is hereby appropriated out of the funds in the [state] treasury not otherwise appropriated, the sum of two thousand five hundred (\$2,500) dollars to pay the salary of said agent, and contingent expenses, up to and including the 30 day of June, 1911.

Approved March 27, 1909.

Payment of wages—Semimonthly pay day—Scrip.

(Page 637.)

Application
of law.

SECTION 1. Every corporation, association, company, firm or person in this State, engaged in mining coal, ore or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile, and tile machinery, agricultural or mechanical implements or any article of merchandise shall pay each employee of such corporation, association, company, firm or person, if demanded, at least twice each calendar month, the amount due such employees for labor, and such payment shall be in lawful money of the United States, and the employee shall not be deemed to have waived any right or rights herein mentioned because of any contract to the contrary.

Semimonthly
pay day.Scrip to be
redeemable.

Sec. 2. Every corporation, association, company, firm or person, or any member, agent or employee thereof, who shall publish, issue or circulate any check card or other paper which is not commercial paper, payable at a fixed time in any bank in this State at its full face value, in lawful money of the United States, or any card or check issued, which is not payable in lawful money of the United States on each regular pay day, to any employee of any such corporation, association, company, firm or person, in payment for any work or labor done by such employee, shall be guilty of a misdemeanor.

Violations.

Sec. 3. Any corporation, association, company, firm or person, in this State, engaged in mining coal, ore or other minerals, or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile and tile machinery, agricultural or mechanical implements or any article of merchandise, upon a conviction of a violation of any of the provisions of this act, shall be fined in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Approved February 24, 1909.

Railroads—Sheds to be built over repair tracks.

(Page 638.)

SECTION 1. It shall be unlawful for any railroad company, or corporation, or other persons, who own, control or operate any lines of railroad in the State of Oklahoma, to build, construct or repair railroad equipment without first erecting and maintaining at every division point a building or shed over the repair tracks, same to be provided with a floor where such construction or repair is permanently done, so as to provide that all men employed in the construction and repair of cars, trucks, and other railroad equipment, shall be under shelter during snows, sleet, rain, and other inclement weather.

Sheds.

Floors.

SEC. 2. Every corporation, person or persons, manager, superintendent, foreman or agent of any company, corporation, person or persons, who shall fail or refuse to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and each and every day that said railroad company, corporation, person or persons, manager, foreman, or agent of any such railroad company, corporation, person or persons, shall refuse or fail to comply with the provisions of this act shall constitute a separate and distinct violation thereof.

Violations.

Approved March 27, 1909.

OREGON.

ACTS OF 1909.

CHAPTER 11.—*Garnishment of wages of public employees.*

SECTION 1. Any salary, wages, credits, or other personal property in the possession or under the control of the State of Oregon or of any county, city, incorporated town, school district or other political subdivision therein or thereof, or any board, institution, commission, or officer of the same, belonging or owed to any person, firm or corporation whatsoever, shall be subject to attachment, garnishment and execution in the same manner and with the same effect as property in the possession of individuals is now subject to attachment, garnishment and execution: *Provided, however,* That process in such proceedings may be served on the officer by or through whom such salary, wages, credits or other property is paid or delivered in the ordinary course of business, or on the officer whose duty it is to audit or to issue a warrant for such salary, wages, money, or other personal property: *And provided further,* That no clerk or officer of any court shall be required to answer as garnishee as to any moneys or property in his possession in the custody of the law.

Garnishment allowed.

Proviso.

Filed in the office of the secretary of state, February 1, 1909.

CHAPTER 49.—*Exemption of wages from garnishment.*

SECTION 1. Section 228, Title III, Chapter II, of Bellinger and Cotton's Annotated Codes and Statutes of Oregon, * * * is hereby amended so as to read as follows:

Section 228. The earnings of any debtor for personal services performed by such debtor at any time within thirty days next preceding service of an attachment, execution, garnishment or other process amounting to the sum of seventy-five dollars, or less, shall be exempt from the effect of such process when it shall be made to appear to the satisfaction of the court by the affidavit of such debtor, or otherwise, that such earnings are necessary for the use of the family supported wholly or partly by the labor of said debtor; except when the debt is incurred for family expenses fifty

What wages exempt.

per centum of such earnings shall be subject to such attachment, execution, garnishment or other process: *Provided, however,* That no earnings of any debtor shall be exempt against an execution or other process issued upon a debt or demand incurred for property or money obtained by fraud or under false pretenses.

Filed in the office of the secretary of state, Feb. 12, 1909.

CHAPTER 54.—Employment of children to operate elevators—Age limit.

Age limit. SECTION 1. No person, firm, or corporation shall employ or allow any person under the age of eighteen (18) years to run, operate, or have charge of, any elevator used for the purpose of carrying either persons or property.

Violation. SEC. 2. Any person, either for himself or as manager, agent, or officer of any corporation, who is guilty of violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

Filed in the office of the secretary of state, February 16, 1909.

CHAPTER 59.—Seats for motormen on electric railways.

Seats to be provided. SECTION 1. Each person, firm or corporation owning, managing or operating any intrastate, interurban and city electric street railway line in the State of Oregon shall provide all cars run or used on his, their or its respective roads with good, substantial and sufficient seats for the use of motormen operating passenger cars. Said motormen shall be permitted to occupy said seats at least one-half the time while operating said cars.

Use. SEC. 2. Any violation of the provisions of this act shall be deemed a misdemeanor, and shall subject the owner or manager of such street railway line to a penalty of fifty dollars (\$50) fine for the first offense, and one hundred dollars (\$100) for each and every subsequent violation thereof, and each car run one day when not so equipped shall constitute a separate violation thereof.

Violations. SEC. 2. Any violation of the provisions of this act shall be deemed a misdemeanor, and shall subject the owner or manager of such street railway line to a penalty of fifty dollars (\$50) fine for the first offense, and one hundred dollars (\$100) for each and every subsequent violation thereof, and each car run one day when not so equipped shall constitute a separate violation thereof.

Filed in the office of the secretary of state, February 17, 1909.

CHAPTER 130.—Inspection of factories.

SECTION 1. Section 7 of chapter 158 of the General Laws of 1907, is hereby amended and subdivided so as to read as follows:

Certificate of inspection. Section 7. Whenever upon any examination or reexamination of any factory, mill, or workshop, store or building, or the machinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform, in the judgment of said labor commissioner, to the requirements of this act, he shall thereupon issue to the owner, lessee, or operator of such factory, mill or workshop, or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance, on the part of the person, firm, corporation, or association to whom it is issued, with the provisions of this act. Such certificates may be revoked by said labor commissioner at any time upon written notice to the person, firm, corporation, or association holding the same, whenever in his opinion, after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or stores to which the provisions of this act are applicable.

Copy to be posted. Sec. 7a. If, in the judgment of said labor commissioner, such

Notice of defects. factory, mill or workshop, or the machinery and appliances therein

contained, or such storehouse, wareroom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said labor commissioner, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with, within a period of thirty days after said requirements have been served as aforesaid, the said labor commissioner shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances, or occupying such premises, shall consider the requirements of said labor commissioner unreasonable and impracticable or unnecessarily expensive, he may, within ten days after the requirements of said labor commissioner have been served upon him, appeal therefrom or from any part thereof, to three arbitrators, to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the labor commissioner.

Appeals.

Sec. 7b. Such appeal shall be in writing, addressed to the labor commissioner, and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon receipt of such notice of appeal, it shall be the duty of the labor commissioner to appoint a competent person as arbitrator, resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause for arbitration, and the place, date and time of meeting. These two arbitrators shall select a third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators, by a majority vote, shall be reported to the labor commissioner, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said labor commissioner or any part thereof, said applicant shall, within thirty days, comply with the findings of said arbitrators, and thereupon said labor commissioner shall issue his certificate as hereinbefore provided (in section 4 of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said labor commissioner; and any such person, firm, corporation or association shall, within thirty days after the findings of the board of arbitrators, comply with the requirements of the labor commissioner, as amended by said arbitrators, if so amended as herein provided for, and thereupon said labor commissioner shall forthwith issue to any such person, firm, corporation or association his certificate as provided for in section 4 of this act.

Arbitration of appeal.

Findings.

Sec. 7c. The labor commissioner shall not issue any certificate of inspection to any person, firm, corporation or association who has not paid for that year the inspection fee herein provided for. Every person, firm, corporation and association being the owner, operator, lessee or occupant of any factory, mill, workshop, storehouse, wareroom or store coming within the provisions of this act shall pay to the state treasurer, and take his receipt therefor, an annual inspection fee, determined as follows: For each place of business operated by him and which may be inspected under the provisions of this act in which are employed two persons or less, \$2; not less than three nor more than seven persons, \$5; not less than eight nor more than twenty persons, \$10; not less than twenty-one nor more than forty persons, \$15; more than forty persons, \$20. Any person, firm, corporation or association whose factory, mill, workshop, storehouse, wareroom or store, etc., which, on account of the nature of the business, is not operated more than four months during the year shall not be required to pay more than \$10, regardless of the number of persons employed.

Fee to be paid.

Fee a debt.

Sec. 7d. The payment of such annual inspection fee by every such person, firm, corporation, and association shall constitute an obligation in favor of the State and shall be a debt due and owing by every such person, firm, corporation and association to the State from and after the time of the first inspection, herein provided for and annually thereafter, and shall be enforced in the same manner that other debts are collected by the State.

Fee covers one year's inspections.

Sec. 7e. The state treasurer shall issue his receipt for all moneys so received. Upon presentation of said receipt to said labor commissioner and compliance with the requirements of the labor commissioner and the provisions of this act, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation, or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom, or store, and the machinery and appliances contained in any such premises, owned or operated by the party paying said fee, that may be necessary, for a period of one year subsequent to the time when its payment becomes due, and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the state treasury, and be converted into a special factory inspection fund.

Filed in the office of the secretary of state February 23, 1909.

CHAPTER 138.—*Employment of women—Hours of labor.*

SECTION 1. Section 1 of an act entitled "An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant; to provide for its enforcement and a penalty for its violation," filed in the office of the secretary of state February 20, 1903, * * * is hereby amended to read as follows: Section 1. No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than ten hours during any one day or more than sixty hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of one day, or sixty hours during any one week.

Ten hours a day's work.

Filed in the office of the secretary of state February 23, 1909.

PENNSYLVANIA.

ACTS OF 1909.

ACT No. 34.—*Employment of children as messengers—Sending to immoral resorts.*

Sending to immoral resorts forbidden.

SECTION 1. Any person, firm, company or corporation, having authority over a minor, who knowingly takes or sends, or causes or permits such minor to be sent, to any house of prostitution or assignation, or other immoral place of resort or amusement, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

Approved the 24th day of March, A. D. 1909.

ACT No. 182.—*Employment of children—General provisions.*

Children under eighteen.

SECTION 1. From and after the passage of this act, no minor under the age of eighteen years, except as hereinafter provided, shall be employed, permitted, or suffered to work, in, about, or for any factory, workshop, rolling mill, sawmill, quarry, laundry, store; mercantile, printing, or binding establishment; dock, wharf; vessel or boat engaged in lake or river navigation or commerce,

railroad, in the erection or repair of electric wires, business office, telegraph office, telephone office, stable, garage, hotel, restaurant, [restaurant] boothblack stand, or the transmission of newspapers, messages, or merchandise.

SEC. 2. Male minors over the age of eighteen years may be employed in any and all kinds of legal employment, within the Commonwealth; but all minors under the age of eighteen years shall not be employed in or about blast furnaces, tanneries, docks, wharves, quarries; in the outside erection and repair of electric wires; in the running or management of elevators, lifts, or hoisting machines; in oiling hazardous and dangerous machinery, in motion; at switch tending, gate tending, track repairing; as brakemen, firemen, engineers, motormen, conductors, upon railroads; as pilots, fireman, or engineers upon boats or vessels engaged in the transportation of passengers or merchandise; in or about establishments wherein nitroglycerine, dynamite, dualin, gun-cotton, gunpowder, or other high or dangerous explosive, is manufactured, compounded or stored. Employments prohibited.

SEC. 3. Minors over the age of sixteen years may be employed in or about establishments for the manufacture or preparation of white lead, red lead, paints, phosphorus, phosphorus matches, poisonous acids, or for the manufacture or stripping of tobacco or cigars: *Provided*, That where it is proved to the satisfaction of the chief factory inspector that the danger or menace to the health or safety of minors employed in any establishment or industry named in this section has been removed, or that employment in some part or parts of said industry is not dangerous, or a menace to the health or safety of minors employed therein, that in such case minors under the age of sixteen years, and not under the age of fourteen years, who can read and write the English language intelligently, and are physically qualified, may be therein employed. Children over sixteen.

SEC. 4. Minors over the age of fourteen years, who can read and write the English language intelligently, and are physically qualified, may be employed in or for mercantile establishments, stores; telegraph, telephone, or other business offices; hotels, restaurants; or in any factory, workshop, rolling mills, or other establishment having proper sanitation; or in any factory, workshop, rolling mills, or other establishment having proper sanitation and proper ventilation, and in which power machinery is not used, or, if used, that the same, and all other dangerous appliances used, are kept securely and properly safeguarded; rules and regulations for the same to be prescribed and provided by the chief factory inspector. Children over fourteen.

SEC. 5. No male minor under the age of sixteen years, and no female under the age of eighteen years, shall be employed, permitted, or suffered to work, in or about or for any establishment, place of business, or industry, named in sections three and four of this act, for a longer period than ten hours in any one day, except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter workday for one day in the week; nor shall a less period than forty-five minutes be allowed for the midday meal; and in no case shall the hours of labor exceed fifty-eight in any one week. No male minor under the age of sixteen years, and no female under the age of eighteen years, shall be employed or permitted to work between the hours of nine postmeridian and six antemeridian. Hours of labor.

SEC. 6. Where the usual process of manufacture, or the nature of the business named in section four of this act, is of a kind that customarily necessitates a continuous day and night employment, male minors, not under the age of fourteen years, may be employed day or night, or partly by day and partly by night; but said employment shall not exceed nine hours during any twenty-four hours for minors under the age of sixteen years. A violation of any of the provisions of this section shall be deemed to be in contravention of this act. Night work.

Nine-hour day, when.

Certificates
required.

SEC. 7. No minor under the age of sixteen years shall be employed in or about or for any establishment or industry named in sections three and four of this act, unless the employer of said minor procures and keeps on file, and accessible to the deputy factory inspectors, the employment certificate as hereinafter provided, issued to said minor, and keeps two complete lists of all minors under the age of sixteen years employed in or for his or her establishment; one of said lists to be kept on file in the office of the employer, and one to be conspicuously posted in each of the several departments in or for which minors are employed. Said employment certificate, when issued, shall be the property of the minor named therein, who shall be entitled to a surrender of said certificate to him or her by the employer whenever said minor shall leave the service of any employer holding said certificate.

Files.

How certificate is to be issued.

SEC. 8. The employment certificate required by the provisions of this act shall be issued as follows:

In school districts having a district superintendent or supervising principal, by such superintendent or supervising principal; in school districts having no superintendent or supervising principal, but having one or more principals of schools, by such principals, each principal to issue the certificate to minors residing within the territory belonging to the school over which he has supervision; in school districts, or parts of districts, having no district superintendent or principal, by the secretary of the board of school directors for that district: *Provided*, That any district superintendent, supervising principal, principal of schools, or secretary of the board of school directors, hereby directed to issue such certificates, may authorize and deputize, in writing, such persons as they may see proper to act in their place and stead for the purpose of issuing such certificates. Any of the hereinbefore mentioned officials, authorized to issue employment certificates, before doing so shall demand, and if possible obtain, a birth certificate, or baptismal certificate, or passport, or other official or religious record of the minor's age, or a duly attested transcript thereof; and, in the event that none of these is obtainable, may accept, in lieu thereof, a record of the age as given on the register of a school the minor has attended; or, in the absence of such record, may accept the affidavit of the minor's parent or guardian, or other person, which affidavit he is empowered to administer: *Provided*, That the powers and duties conferred by this section on the superintendents, supervising principals, principal, or secretary of a board of school directors, be and the same are conferred upon superintendents, supervising principals, principal, teachers, or secretaries of any private academy, parochial or denominational school, in all cases where the applicant for an employment certificate is, or recently has been, an attendant pupil in a private academy, parochial or denominational school, and is not a pupil in a public school: *And provided further*, That whenever in any school district an employment certificate is issued by any persons other than the public school official hereinbefore directed to issue such certificates in said district, said persons shall, on or before the third day of each month, file with the aforementioned public school official, in said district, true copies of all employment certificates so issued.

Form.

SEC. 9. The employment certificate provided by this act for the use of a minor between fourteen and sixteen years of age shall be in the following form:

This certifies that (name and residence of minor) is aged — years — months — days; whose complexion is —, hair is —, and eyes are —; is able to read and write the English language intelligently, and may be employed at labor in any of the following establishments, businesses, and industries: The manufacture or the preparation of white lead, red lead, paints, phosphorous, phosphorous matches, poisonous acids, tobacco or cigars, in which industries minors between fourteen and sixteen years of age may be employed, only when their labor is performed in such part or parts of such industries as are not dangerous or a

menace to their health and safety,—and mercantile establishments, stores; telephone, telegraph or other business offices; hotels, restaurants; or in any factory, workshop, or other establishment having proper sanitation and proper ventilation, and in which power machinery is not used, or, if used, that the same, and all other dangerous appliances used, are kept securely and properly safeguarded.

This certificate is a legal warrant for the employment of the minor named hereon, in any of the above-named establishments, businesses and industries, under the provisions of an act approved ——— one thousand nine hundred and nine.

(Signature of person who issued certificate, official title and official address.)

(Signature of minor to whom issued.)

SEC. 10. The blank employment certificate shall be prepared by the superintendent of public instruction, in accordance with the form prescribed in this act; the same to be printed in accordance with the laws regulating printing and binding, under the supervision of the superintendent of public printing and binding. The superintendent of public instruction shall also supply the aforesaid certificates to all persons authorized to issue the same.

SEC. 11. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished, for a first offense, by a fine of not less than ten dollars or more than twenty-five dollars, or ten days imprisonment in the county jail, or either or both, at the discretion of the court; and for a second offense, shall be punished by a fine of not more than fifty dollars, and ninety days imprisonment in a county jail, or either or both, at the discretion of the court. It shall be the duty of the chief factory inspector to carry out the provisions of this act, and prosecutions for violations thereof shall be instituted by the chief factory inspector.

SEC. 13. This act shall be in force and effect on and after January first, one thousand nine hundred and ten.

Approved the 29th day of April, A. D. 1909.

Act No. 210.—Employment of children in coal mines and breakers.

SECTION 1. From and after the passage of this act, no minor under the age of fourteen years shall be employed, permitted, or suffered to work, in, about, or for any bituminous coal mine or anthracite colliery or breaker.

SEC. 2. No minor under the age of sixteen years shall be employed, permitted, or suffered to work, in or about or for any establishment or industry named in section one of this act, for a longer period than ten hours in any one day, except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter workday for one day in the week; nor shall a less period than forty-five minutes be allowed for the midday meal; and in no case shall the hours of labor exceed fifty-eight in any one week. No minor under the age of sixteen years shall be employed or permitted to work between the hours of nine postmeridian and six antemeridian.

SEC. 3. No minor under the age of sixteen years shall be employed in or about or for any establishment or industry named in section one of this act, unless the employer of said minor procures and keeps on file, and accessible to the mine inspector, the employment certificate as hereinafter provided, issued to said minor, and keeps two complete lists of all minors under the age of sixteen years employed in or for his or her establishment; one of said lists to be kept on file in the office of the employer, and one to be conspicuously posted in each of the several departments in or for which minors are employed. Said employment certificate, when issued, shall be the property of the minor named therein, who shall be entitled to a surrender of said certificate to him or her by the employer whenever said minor shall leave the service of any employer holding said certificate.

Who to furnish.

Violations.

Act takes effect, when.

Age limit.

Hours of labor.

Night work.

Certificates.

Files.

How certificate is to be issued.

SEC. 4. The employment certificates required by the provisions of this act shall be issued as follows:—

Evidence.

In school districts having a district superintendent or supervising principal, by such superintendent or supervising principal; in school districts having no superintendent or supervising principal, but having one or more principals of schools, by such principals, each principal to issue the certificate to minors residing within the territory belonging to the school over which he has supervision; in school districts, or parts of districts, having no district superintendent or principal, by the secretary of the board of school directors for that district: *Provided*, That any district superintendent, supervising principal of schools, or secretary of the board of school directors, hereby directed to issue such certificates, may authorize and depute, in writing, such persons as they may see proper, to act in their place and stead for the purpose of issuing such certificates. Any of the hereinbefore mentioned officials, authorized to issue employment certificates, before doing so shall demand, and if possible obtain, a birth certificate, or baptismal certificate, or passport, or any other official or religious record of the minor's age, or duly attested transcript thereof; or, in the event that none of these is obtainable, may accept, in lieu thereof, the record age as given on the register of a school the minor has attended; or, in the absence of such record, may accept the affidavit of the minor's parent, guardian, or other person, which affidavit he is empowered to administer: *Provided*, That the powers and duties conferred by this section on the superintendents, supervising principals, principal, or secretary of a board of school directors, be and the same are conferred upon superintendents, supervising principals, principal, teachers, or secretaries of any private academy, parochial or denominational schools, in all cases where the applicant for an employment certificate is, or recently has been, an attendant pupil in a private academy, parochial or denominational school, and is not a pupil in a public school: *And provided further*, That whenever in any school district an employment certificate is issued by any persons other than the public school official hereinbefore directed to issue such certificates in said district, said persons shall, on or before the third day of each month, file with the aforementioned public school official, in said district, true copies of all employment certificates so issued.

Form.

SEC. 5. The employment certificate provided by this act for the use of a minor between fourteen and sixteen years of age shall be in the following form:

This certifies that (name and residence of minor) is aged — years — months — days; whose complexion is —, hair is —, and eyes are —; is able to read and write the English language intelligently, and may be employed at labor in any bituminous coal mine or anthracite colliery or breaker.

This certificate is a legal warrant for the employment of the minor hereon, in any of the above-named establishments and industries, under the provisions of an act approved — one thousand nine hundred and nine.

(Signature of persons who issued certificate, official title and official address.)

(Signature of minor to whom issued.) — (Date.)

Who to furnish.

SEC. 6. The blank employment certificates shall be prepared by the superintendent of public instruction, in accordance with the form prescribed in this act; the same to be printed in accordance with the laws regulating printing and binding, under the supervision of the superintendent of public printing and binding. The superintendent of public instruction shall also supply the aforesaid certificates to all persons authorized to issue the same.

Violations.

SEC. 7. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished, for a first offense, by a fine of not less than ten dollars or more than twenty-five dollars, or ten days imprisonment in the county jail, or either or both, at the

discretion of the court; and, for a second offense, shall be punished by a fine of not more than fifty dollars, and ninety days imprisonment in a county jail, or either or both, at the discretion of the court.

It shall be the duty of the chief of the department of mines to carry out the provisions of this act, and prosecutions for violations thereof shall be instituted either [sic] by the chief of the department of mines.

Enforcement.

Sec. 9. This act shall be in force and effect on and after January first, one thousand nine hundred and ten.

Act takes effect, when.

Approved the 1st day of May, A. D. 1909.

Act No. 233.—*Fire escapes on factories, etc.*

SECTION 1. * * * every building in which persons are usually employed above the second story, in a factory, workshop, or mercantile establishment; * * * shall be provided with proper ways of egress, or means of escape from fire, sufficient for the use of all persons * * * employed * * * therein; and such ways of egress and means of escape shall be kept free from obstruction, in good repair, and ready for use, at all times; and all rooms above the second story in said buildings shall be provided with more than one way of egress, or escape from fire, which shall be placed as near as practical at opposite ends or sides of the room, and leading to fire escapes on the outside of such buildings or to stairways on the inside. Where any of said buildings is designated for the use or occupancy of fifty or more persons, the external doors of the same shall open outward, and be so constructed or arranged as to afford, when open, an unobstructed external passageway of not less than five feet in the clear, and shall have landings, inside of the external doorways, of dimensions not less than four feet between the external doors and the adjoining stairways, said landings to be of a width not less than the stairway approaches thereto.

Fire escapes to be provided.

Sec. 3. In addition to the foregoing means of escape from fire, all such buildings as are enumerated in section one of this act that are more than two stories in height, * * * shall have one or more fire escapes on the outside of said buildings, as may be directed by the chief factory inspector or a deputy factory inspector, except in such cases as he may deem such fire escape to be unnecessary, in consequence of adequate provision having been already made for safety in event of fire or panic; and in such cases of exemption, the said chief factory inspector or a deputy factory inspector shall give the owner, lessee, or occupant of said building a certificate to that effect, and his reason therefor.

Outside fire escapes.

And such fire escapes as are provided for in this section shall be of wrought iron, constructed according to specifications to be issued or approved by the department of factory inspection, and shall be connected with each floor above the first, firmly fastened and secured, and of sufficient strength to sustain a weight of not less than four hundred pounds per step, on a safety factor of four; each of which fire escapes shall have landings or balconies at each story, capable of sustaining a weight of not less than eighty pounds per square foot, guarded by railings, not less than three feet in height, and embracing one or more windows or doors at each story, and connecting with the interior by easily accessible and unobstructed openings; and all the balconies or landings shall be connected by external iron stairways, placed at a slant of not more than forty-five degrees, protected by well-secured hand rails; the stairway steps to be not less than six inches in width and twenty-four inches in length. Fire escapes now in use and hereafter erected must be painted once a year, and be kept in safe condition and up to the standard requirements of this section.

Construction.

Sec. 6. The owner or owners of any of the buildings mentioned in the foregoing provisions of this act, who shall willfully fail

Violations.

Liability of
negligent own-
ers.

or refuse to comply with the provisions of this act, or who shall willfully fail or refuse to observe the orders for the enforcement of this act, issued to said owner or owners by the chief factory inspector or deputy factory inspector, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of five hundred dollars, or six months imprisonment, or either or both, in the discretion of the court. And in case of fire occurring in any of said buildings, in the absence of such doorways, landings, exits, fire escapes or fire preventives, as provided for in this act, the owner or owners aforesaid shall be liable for damages, in case of death or personal injury, the result of fire or panic in any of said buildings; and such action for damages may be maintained by any person now authorized by law to sue, as in other case of loss by death or injuries.

Approved the 3d day of May, A. D. 1909.

ACT No. 234.—*Mine regulations—Inspection districts.*

Coun-
ties
added.

[This act adds the counties of Sullivan, Susquehanna, and Wayne to the list of counties to be formed into inspection districts under the laws regulating the mining of anthracite coal, placing them in the second district. See act No. 255, Acts of 1901, as amended by act No. 229, Acts of 1905.]

ACT No. 236.—*Mine regulations—Clean coal to be paid for.*

Repeal.

[This act repeals P. L. 113, 1883, relating to the above subject, printed as sections 20 and 21 in Brightly's Purdon's Digest, p. 1342.]

ACT No. 290.—*Assignment of wages.*

Employer to
accept assign-
ment.

SECTION 4. No assignment of or order for wages to be earned in the future, to secure a loan of two hundred dollars or less, shall be valid against an employer of the person making the said assignment or order, until the said assignment or order is accepted in writing by the employer, and said assignment or order and the acceptance of the same have been filed and recorded with the clerk of the court of quarter sessions of the county where the party making the said assignment or order resides, if a resident of the Commonwealth, or in which he is employed, if not a resident of the Commonwealth.

Wife to con-
sent.

SEC. 5. No such assignment of or order for wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

Approved the 11th day of May, A. D. 1909.

ACT No. 657.—*Examination and licensing of plumbers.*

SECTION 1. Section one of an act, entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage," * * * approved the seventh day of June, Anno Domini one thousand nine hundred and one, * * * is hereby amended so as to read as follows:

Plumbers to
be licensed.

Section 1. From and after the passage of this act, it shall not be lawful for any persons to carry on or work at the business of plumbing or house drainage in cities of the second and third class, having a system of sewerage and water supply, of this Commonwealth, until a certificate or license to engage in or work at said business shall have been granted said persons by the director of the department of public safety, or department or board or bureau of health, of such cities; nor until they have registered as such in the office of the department or board or bureau of health of said cities.

SEC. 2. Section two of the aforesaid act, * * * is hereby amended so as to read as follows:

Section 2. All and every person or persons, engaged or engaging in the business or work of plumbing and house drainage in said cities, shall apply in writing to the said director of the department of public safety, department or board or bureau of health, for such certificate or license; and if, after proper examination made by the department or board or bureau of health of said cities, such person or persons so applying shall be found competent, the same shall be certified to the director of the department of public safety, department or board or bureau of health, who shall thereupon issue a certificate or license to such person or persons, which shall, for the period of one calendar year or fractional part thereof next ensuing the date of such examination, entitle him or them to engage in or work at the business of plumbing and house drainage. The mayor of said cities is hereby authorized to appoint a board of examiners, to consist of the health officer or superintendent of the department or board or bureau of health, one plumbing inspector, and two competent plumbers in no wise connected with the city government, who shall examine all applicants for license under the provisions of this act. The said board shall make all reasonable rules, regulations, and examinations, which shall be approved by the said director of the department or board or bureau of health. An examination of any one member of a firm or corporation, or of the superintendent or foreman therefor, shall be deemed sufficient. Said person or persons, firm or corporation, engaged or engaging in the business of plumbing or house drainage, shall pay for each examination the sum of five dollars, and each journeyman or person engaged in the work shall pay the sum of fifty cents, which sum shall be paid into the city treasury, for the use of said cities. The proper officers of said cities are hereby authorized to pay to the plumbers acting on said board the sum of five dollars per day, for each day or session thus actually employed.

Application
for license.

Examination.

Certificate.

Board.

Fees.

Every registered master plumber shall have a bona fide place of business, in said cities; and shall display on the front of his or their place of business a sign "Registered Plumber," bearing the name or names of the person, firm, or corporation, in letters not less than three inches high.

No person other than a registered master plumber shall be allowed to carry on or engage in the business; nor shall any person or persons expose the sign of plumbing or house drainage, or any advertisement pertaining thereto, unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities; nor shall any person or persons other than a registered master plumber,—or person in his or their employ, or under his or their supervision,—be allowed to alter, repair, or make any connection with, any drain, soil, waste, or vent pipe, or any pipe connected therewith.

Working
without license.

Every registered master plumber, firm, or corporation shall give immediate notice of any change in his, their, or its place of business; and upon his, their, or its retirement from business shall surrender his, their, or its certificate of registry to the board or bureau of health. Every person, firm, corporation, or representative thereof, in registering, shall give the full name or names of the person, firm, or officers' names of the corporation, for which he or they shall register.

Change of
place of busi-
ness.

At the expiration of each calendar year said certificate or license shall be null and void. A licensed master or journeyman plumber desiring to continue in, or work at, the business of plumbing and house drainage for the ensuing year shall, between the first and thirty-first days of December of each and every year surrender the said certificate or license for the current year to the department or board or bureau of health, and reregister his, their, or its name or names, and business or home address, upon such form or forms as may, from time to time, be furnished by said department or board or bureau of health.

Term of li-
cense.

Reissue.

A reexamination will not be necessary for reregistration, unless the licensed master or journeyman plumber should have failed to make application for registration at the specified time. The sum of one dollar shall be paid by master plumbers, firms, or corporations, and the sum of twenty-five cents by journeymen plumbers, for reregistration, which sum shall be paid into the city treasury, for the use of said cities. A register of all such applicants and the license or certificates issued shall be kept in said department, board, or bureau of health, which said register shall be open to the inspection of all persons interested therein. Any person, firm, or corporation holding a license or certificate, granted by any first, second, or third class city of this Commonwealth, to engage in or work at the business of plumbing and house drainage, desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted, shall, without examination, be registered before entering upon such work; *Provided, however,* That such registration shall be restricted and limited to such plumbing and drainage work as he, they, or it shall have contracted for at the time of registry. On the completion of such contract or contracts the registration of such person, firm, or corporation shall be null and void, and no further permit shall be issued to such person, firm or corporation until he, they, or it shall have first registered his or its name, or their names, and address, as hereinbefore provided.

Register.

Sec. 14. Section seventy-one of said act, * * * is hereby amended so as to read as follows:

Violations.

Section 71. Any person or persons who shall fail to comply with any of the provisions of this act, regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage, shall be liable to a fine of not less than ten dollars (\$10), nor exceeding fifty dollars (\$50), for each and every day he or they shall engage in or work at said business, without first having obtained said certificate or license; and any person or persons who shall violate any of the rules, regulations, or requirements set forth in this act, regarding the construction, reconstruction or testing of plumbing, house drainage, or cess-pools, shall be liable, for every such offense, to a fine of not less than ten dollars (\$10), nor more than fifty dollars (\$50).

* * * * *

Approved the 14th day of May, A. D. 1909.

PHILIPPINE ISLANDS.

ACTS OF 1908.

Act. No. 1868.—Bureau of labor.

Bureau es-
tablished.

SECTION 1. There is hereby established in the department of commerce and police a bureau which shall be known as the bureau of labor.

Purposes:
Law enforce-
ment;

Sec. 2. The purpose of this bureau shall be:

(a) To see to the proper enforcement of all existing laws and those which shall be enacted hereafter with reference to labor and capital in the Philippine Islands, and to promote the enactment of all other legislation which shall tend to establish the material, social, intellectual, and moral improvement of workers;

Statistics;

(b) To acquire, collect, compile, systematize, and submit from time to time reports to the secretary of commerce and police, statistical data relative to the hours and wages of labor, the number of workers in each trade or occupation employed and unemployed, their place of birth, age, sex, civil status, and moral and mental culture; the estimated number of families of married workers, houses rented by them, and annual rental; property owned by them, the value of such property; the cost of living, the amount of labor required, the estimated number of persons dependent on their daily wages, the probable changes in all the

persons employed, the condition of shops, factories, railways, tramways, industrial and commercial establishments, and all other places or temples of labor, whether public or private, including the penal institutions of these islands, with respect to the safety of life and health of workers; the means adopted to avoid accidents or make reparation therefor; the number of accidents which take place, their causes and the action taken in each case; conditions and certainty of the payment of wages; the business of savings banks with the working classes; corporations, strikes, suspensions of work, and other labor difficulties, their causes and the remedies adopted in each case; mutual benefit associations, workers' insurance societies, associations for the collection of statistics and cooperative production and other labor organizations, and their effects on labor and capital; private employment, complaint, defense, and consultation agencies for laborers; their conditions and effects and other matters relative to the commercial, industrial, social, educational, moral, and sanitary condition of the working classes and the permanent prosperity of the various industries of the Islands; and in the case of laborers born in foreign countries, the date of their arrival and the length of their stay in these Islands;

(c) To inspect all shops, factories, railways, tramways, vessels, industrial and commercial establishments, and all other places or centers of labor, whether public or private, and to take the proper legal steps to prevent the exposure of the health or lives of laborers, and to aid and assist by all proper legal means laborers and workers in securing just compensation for their labor, and the indemnity prescribed by law for injuries resulting from accidents when engaged in the performance of their duties.

Inspection of
factories, etc.;

(d) To secure the settlement of differences between employer and laborer and to avert strikes and lockouts by inducing all parties to the controversy to submit their differences to arbitration.

Arbitration
of disputes;

(e) To organize in such towns in the Philippine Islands as it may deem necessary or advisable one or more free employment agencies.

Establish-
ment of free
employment of-
fices.

SEC. 3. By and with the approval of the governor-general, the director of labor shall have power to administer oaths, to issue subpoenas and subpoenas duces tecum, and to receive and take affidavits and the testimony of witnesses and experts, when making investigations authorized by this act.

Powers.

SEC. 4. The bureau of labor shall have one chief and one assistant chief, who shall be appointed by the governor-general, by and with the consent of the Philippine Commission, and who shall be known respectively as the director of labor and the assistant director of labor. The director of labor shall exercise the powers and perform the duties herein imposed upon the bureau of labor. The assistant director of labor shall perform the duties of the director of labor during the absence or disability of the latter and such other duties as may be required of him by the director of labor. The salary of the director of labor shall be seven thousand pesos and that of the assistant director of labor four thousand pesos per annum.

Officers.

Enacted, June 18, 1908.

ACT No. 1874.—*Liability of employers for injuries to employees.*

SECTION 1. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of— Injury caused by—

First, a defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition; or Defective ap-
pliances;

Negligence of superintendent;	Second, the negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or
Negligence of person in charge of signals, etc., on a railroad.	Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, or train upon a railroad; the employee, or his legal representatives, shall, subject to the provisions of this act, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.
Status of employee.	
Construction of statute.	A car which is in use by, or which is in possession of, a railroad corporation shall be considered as part of the ways, works, or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, or train within the meaning of said clause.
Injuries causing death.	SEC. 2. If, as the result of the negligence of the employer or that of a person for whose negligence the employer is liable under the provisions of section one, an employee is killed or dies by reason of injuries received, his widow, or legal heirs, or next of kin who at the time of his death were dependent upon his wages for support, shall have a right of action for damages against the employer.
Degree of culpability.	SEC. 3. If, under the provisions of this act, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.
Damages.	The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed two thousand pesos. The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not be less than five hundred pesos nor more than two thousand five hundred pesos for both the injury and the death.
Notice.	SEC. 4. No action for damages for injuries or death under this act shall be maintained if a report thereof is not furnished to the employer within ninety days of the date, place, and cause of the injury or if the action is not brought within one year from the time of the accident causing the injury or death. The report required by this section shall be made in writing and signed by the person injured or by another in his name, or if, on account of physical or mental disability, it is impossible for the person injured to give the notice within the time provided by this section, the same may be given within ten days after such disability shall have been removed, and in case of death without said report having been given and without the person having for ten days at any time after the period abovementioned been able to give such notice, the widow, legal heirs, or next of kin dependent upon his wages for support, may give such notice within thirty days following the death of the laborer. No report given under the provisions of this act shall be considered void or insufficient by reason only of some inaccuracy as regards the date, place, or cause of the injury, if there was no intention to mislead or the employer has not been misled by reason of such inaccuracy.
Limitation.	
Suits take precedence.	SEC. 5. All actions for damages which may be brought under this act shall have preference over all other matters save and

except criminal cases and habeas corpus matters on the dockets of the courts of first instance, and shall be promptly tried by the court and decided within fifteen days after final submission of the case to the court for decision.

On application to the court by the party injured or by his duly authorized representatives, the court may make a proper allowance for food and medical attendance during the pendency of the action and while medical attendance is still necessary by reason of the injury: *Provided, however,* That the defendant in the action shall be given an opportunity to be heard before any such allowance is made.

Allowance pending action.

SEC. 6. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

Employees of contractors and subcontractors.

SEC. 7. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under the provisions of this act or who shall have contributed to any relief society for the same purpose may prove in mitigation of the damages recoverable by an employee under the provisions of this act such proportion of the pecuniary benefit which has been received by such employee from any fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Contributions to insurance funds.

SEC. 8. An employee or his legal representatives shall not be entitled under the provisions of this act to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury and failed within a reasonable time to give or cause to be given information thereof to the employer or to some person superior to himself in the service of the employer who was intrusted with general superintendence.

Effect of knowledge of employee.

SEC. 9. This act shall not be applicable to domestic servants or agricultural laborers.

Exemptions.

SEC. 10. Any agreement to renounce the benefits of this act made by the laborer prior to the occurrence of any accident resulting in his injury or death shall be null and void.

Waivers void.

Enacted, June 19, 1908.

PORTO RICO.

ACTS OF 1908.

Negligence of employees on railroads, etc.

(Page 92.)

SECTION 1. Section 328 of the Penal Code shall be amended so as to read as follows:

Section 328. Every conductor, engineer, brakeman, switchman, or other person having charge wholly or in part of any railroad car, locomotive, automobile, train or steamboat, which is used as a common carrier, and any train dispatcher, telegraph operator, station agent, or other person wholly or in part charged with the duty of dispatching or directing the movements of any such car, locomotive, automobile, train or steamboat, who, through unskillfulness, negligence or carelessness, suffers or causes the same to collide with another car, locomotive, automobile, train or steam-

Negligence causing death or injury.

boat, or with any other object or thing whereby the death or injury of a human being is produced, is punishable by imprisonment in jail for a maximum term of two years or in the penitentiary for not less than six months nor more than ten years, according to the gravity of the case.

Approved, March 12, 1908.

Hours of labor of employees on railroads.

(Page 170.)

Eight hours rest required, when.

SECTION 1. It shall be unlawful for any corporation or receiver operating a line of railroad, as a public carrier, in whole or in part, in the island of Porto Rico, or any officer, agent or representative of such corporation or receiver to require or permit any conductor, engineer, fireman, brakeman, train dispatcher, telegraph operator, or any trainman who has worked in his respective capacity for twelve hours within a day of twenty-four hours, to again go on duty or perform any work for such railroad until he has had at least eight hours rest: *Provided*, That this provision shall not apply in case of accident or casualty, or prevent train crews from taking a passenger train, or freight loaded exclusively with live stock or perishable freight to next nearest division point, upon such railroad: *Provided, further*, That this section shall no [not] apply to employees of sleeping cars.

Violations.

SEC. 2. Any corporation or receiver operating a line of railroad, as a public carrier, in whole or in part, in this island, who shall violate any of the provisions of this act, shall be liable to the people of Porto Rico for a penalty of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, at the discretion of the court, for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the people of Porto Rico, in a court of proper jurisdiction in any district through which such railroad may run, by the attorney-general of Porto Rico or under his direction.

Approved, March 12, 1908.

Payment of wages in scrip—Coercion of employees in trading.

(Page 171.)

Scrip, etc., to be redeemable.

SECTION 1. It shall be unlawful for any corporation, company, firm, or person engaged in any trade or business, either directly or indirectly, to issue, sell, give or deliver to any person employed as laborer, journeyman or foreman, by such corporation, company, firm or person, in payment of wages due such laborer, or as advances for labor not due, any script [scrip], token, draft, check or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and, if any such script [scrip], token, draft, check or other evidence of indebtedness, be so issued, sold, given or delivered to such laborer, it shall be construed, taken and held in all courts and places to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm or person issuing, selling, giving or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm, or person so issuing, selling, giving or delivering the same shall, moreover, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than five hundred dollars, and, at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving or delivering the same, may be imprisoned not less than ten days nor more than six months.

Coercion as to trading.

SEC. 2. If any corporation, company, firm or person shall coerce or compel, or attempt to coerce or compel, an employee in its, their, or his employment, to purchase goods or supplies in payment of wages due him, or to become due him, or otherwise, from

any corporation, company, firm or person, such first-named corporation, company, firm or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section.

Approved, March 12, 1908.

RHODE ISLAND.

ACTS OF 1908.

CHAPTER 1528.—*Free public employment offices.*

SECTION 1. There shall be established and maintained, under the care and direction of the commissioner of industrial statistics, in such towns or cities as may be selected after proper investigation by said commissioner, free employment offices for the purpose of bringing together those who seek employment and those who desire to employ. Offices to be established.

SEC. 2. The said commissioner is hereby authorized and directed to organize, within three months after the passage of this act, in each city or town selected, a free public employment office which shall be provided with suitable rooms, furniture, and equipment required for the transaction of the business provided for in this act, and shall appoint such clerical assistants as may be necessary for each of said offices, to discharge, under the direction of said commissioner, the duties hereinafter set forth, or which may be required by said commissioner in carrying out the purpose of this act. Equipment and officers.

SEC. 3. It shall be the duty of said commissioner to receive and record, in books suitably arranged, all applications from those seeking employment and also from those seeking to employ, and to take such other action as may be deemed best to carry out the purposes of said offices. Such records shall show plainly in brief the qualifications of all applicants, and such other facts as may be deemed necessary by said commissioner, who shall furnish to each office all such record books, forms, blanks, or other stationery and postage as may be required in conducting the office. Each office shall be plainly indicated by a proper sign or signs. Registers.

SEC. 4. The privilege of registration shall be confined to residents of this State, and no fees, direct or indirect, shall in any case be taken from anyone applying at any office maintained under the provisions of this act. Only citizens may register.
No fees allowed.

SEC. 5. Any clerk or employee who directly or indirectly charges or receives any fee in the performance of his duties shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than one hundred dollars, or be imprisoned not exceeding thirty days. Such fine or imprisonment shall disqualify him from ever having further connection with said offices. Receiving fees.
Penalty.

SEC. 6. There shall be made from each office to said commissioner a weekly report of such applications for labor or employment as may be registered in said office, with such details as may be required by the commissioner. Said commissioner may cause such reports to be printed at proper intervals, the same to be exchanged between said offices, and may supply to the newspapers and to the citizens, upon request, such reports, which shall be posted in a conspicuous place in the several offices, so that they may be open to public inspection. Weekly reports.

SEC. 7. Every application for employment or help made to a free public employment office shall become void after thirty days from its receipt unless renewed by the applicant. Applications to be renewed.

SEC. 8. The term "applicant for employment," as used in this act, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the term "work" to manual Definitions.

occupation, but shall include professional service, and all other legitimate service.

Notice of employment.

SEC. 9. If any applicant for help has secured the same, he shall, within ten days thereafter, notify the employment office to which application therefor was made, and such notice shall contain the name and last preceding address of the employees received through such office. If any such applicant neglects to notify such office, he shall be barred from all future rights and privileges of such employment office, in the discretion of said commissioner, to whom a report of such neglect shall have been made.

Passed, April 14, 1908.

CHAPTER 1536.—*Fire escapes, etc., on factories and workshops—
Doors to open outwardly.*

Exits required.

SECTION 7. * * * All buildings used as factories, laundries, or workshops, in whole or in part, in which buildings severally twenty-five or more persons are employed, shall have the doors or windows of or to any exit or fire escape so arranged as to swing outward. All factories, laundries, workshops, or rooms in any building where the entrance thereto is from a corridor or hallway, and in which factories, laundries, workshops, or rooms, severally, twenty-five or more persons are employed, shall have the doors of entrance thereto so arranged as to swing outward. If any such door or window of such factory, laundry, workshop or room shall be locked or fastened during working hours the lock or fastening shall be such, and kept in such condition, that the same can be easily and quickly unlocked or unfastened by any person from the inside.

Doors to open outwardly.

Who to make changes.

SEC. 8. It shall be the duty of the owner or owners of every such building, or, in case the lessee or lessees thereof shall be required under the terms of his or their lease, the duty of such lessee or lessees, to comply with the structural and fixture requirements specified in this act. * * *

Enforcement.

SEC. 9. In every city or town, the inspector of buildings, and any assistant inspector of buildings, any member of the board of police commissioners, the chief of police, any member of the board of fire commissioners if any, the chief of the fire department, and any person charged hereunder with the enforcement of the provisions hereof, shall be at all reasonable times admitted free of charge into all parts of every * * * factory, laundry, or shop included within the provisions hereof, to ascertain whether the requirements of this act are complied with.

Violations.

SEC. 10. Any person, whose duty it is to comply with any of the provisions of this act, who shall neglect or refuse to comply with the same, shall be fined not exceeding one hundred dollars for each offence, and every day of such neglect or failure shall constitute a separate offence. The supreme court and the superior court within their respective jurisdictions shall have power to issue any extraordinary writs, or to proceed according to the course of equity, or both, to secure the fulfillment and execution of the provisions hereof. If any such remedy or proceeding is sought or brought in the superior court, it shall be in the court for the county in which the building is located.

Enforcement.

SEC. 11. It shall be the duty of the inspector of buildings of each city or town to enforce the structural and fixture requirements of this act. In any city or town, where there is no such inspector, it shall be the duty of each of the factory inspectors, and such person or persons as may be appointed for the purpose by any city or town council, to enforce the same.

Passed April 22, 1908.

CHAPTER 1551.—*Assignments of wages.*

Limitations.

SECTION 1. No assignment of future earnings or wages shall be valid for a period exceeding one year from the date thereof; nor unless made to secure a debt contracted prior to or simultaneously

with the execution of such assignment; nor unless executed in writing in the standard form herein set forth and signed by the assignor in person and not by attorney; nor unless such assignment truly states the date of its execution, the money or the money value of goods actually furnished by the assignee and the rate of interest, if any, to be paid thereon.

SEC. 2. No assignment of future earnings or wages shall be valid unless a copy thereof is delivered to the assignor at the date of the execution of such assignment. Assignor to have copy.

SEC. 3. No assignment of future earnings or wages shall be valid, excepting as between the parties thereto, unless the same shall be recorded within five days after it is signed by the assignor in a book to be kept for that purpose in the office of the recorder of deeds, if there be one, otherwise in the office of the clerk of the town or city in which the assignor resides, if a resident of this State, or in the town or city in which he is employed if not a resident of this State. Assignments to be recorded.

SEC. 4. No assignment of future earnings or wages shall be in any way binding upon the employer of the assignor until a copy of the assignment and account, which shall conform to the requirements hereinafter stated, has been delivered to said employer. Said account shall be in writing and shall contain a statement of the balance due and of the sums of money received by the assignee together with the date of every such payment, and a statement showing whether such payment is of interest or of principal, or in case of a loan whether such payment is a charge for making or securing the loan or otherwise. Employer to have copy.

SEC. 5. The term "assignment" as used in this act shall include every instrument purporting to transfer an interest in or an authority to collect the future earnings of any person. Definition.

SEC. 6. The standard form of assignment required by this act shall be as follows: Form.

Know all men by these presents:

That I, _____ of _____ in the county of _____ for a valuable consideration, to me paid by _____ of _____ the receipt whereof I do hereby acknowledge, do hereby assign and transfer to said _____ all claims and demands (which I now have, and all) which within a period of _____ from date hereof I may and shall have against my present employer and against any person whose employ I shall hereafter enter (for all sums of money due and) for all sums of money and demands which, at any time within said period, may and shall become due to me, for services as _____. To have and to hold the same to the said _____ his executors, administrators and assigns, to secure a debt

(1) of _____ dollars (with interest thereon from _____ at the rate of _____ per cent per annum), for money (or goods) actually furnished by the assignee amounting to _____ dollars.

(2) Contracted prior to the execution of this assignment, (or contracted simultaneously with the execution of this assignment).

In witness whereof, I have set my hand this _____ day of _____.

Signed and delivered in presence of _____.

SEC. 7. An assignment of future earnings or wages made in accordance with all of the provisions of this act shall bind all wages earned by the assignor within the period named in such assignment. Effect of assignment.

Passed April 30, 1908.

ACTS OF 1909.

CHAPTER 384.—*Employment of women and children—Hours of labor.*

SECTION 1. Section 22 of chapter 198 of the General Laws * * * is hereby amended so as to read as follows:

[The amendment consists in reducing the number of hours permitted in one week from fifty-eight to fifty-six.]

CHAPTER 439.—Labor organizations, etc.—Unauthorized wearing or use of badges, etc.

SECTION 1. Section 22 of chapter 283 of the General Laws * * * is hereby amended so as to read as follows:

Penalty for unauthorized wearing.

SEC. 22. * * * any person not a member of any labor union which shall have registered in the office of the secretary of state a facsimile or duplicate or description of its name, badge, decoration, insignia, button, emblem, or rosette, who shall use or wear, respectively, the name, badge, decoration, insignia, button, emblem or rosette thereof, unless he or she shall be entitled to use or wear the same, respectively, under the constitution, by-laws, or rules and regulations of said societies or orders, respectively, shall be fined twenty dollars for each offense.

Passed May 7, 1909.

SOUTH CAROLINA.

ACTS OF 1908.

ACT No. 451.—Employment of minors—Liability of employers for wages to parents or guardians.

SECTION 1. Section 2694, Code of Laws of South Carolina, Volume I, 1902, is hereby amended by inserting a proviso at the end of said section; so that, when amended, said section shall read as follows:

Consent of parents required.

Section 2694. If any person shall hire or employ any minor, or person under the age of twenty-one years, without the knowledge and consent of the parents or guardian of such minor, such person shall pay to said parents or guardian the full value of the labor of said minor from and after notice from the parents or guardian that payment of such service shall be made to him or them, as the case may be: *Provided*, This section shall not apply to cases where the parents or guardian fails or refuses to furnish the minor a home and support, in which cases the minor shall have the right to make contracts in regard to his own labor and enforce same in his own name and for his own benefit, and the employer shall be responsible to the minor only in such cases.

Proviso.

Approved the 19th day of February, A. D. 1908.

ACT No. 494.—Contracts of employment—Fraudulent breach.

Failure to render service.

SECTION 1. Any person who shall hereafter contract with another to render to him personal service of any kind, and shall thereafter fraudulently, or with malicious intent to injure his employer, fail or refuse to render such service as agreed upon, shall be deemed guilty of a misdemeanor [misdemeanor].

Failure to receive service.

SEC. 2. Any person who shall hereafter contract to receive from another personal service of any kind, and to compensate him therefor, and shall thereafter fraudulently, or with malicious intent to injure his employee, fail or refuse to receive such service or to make compensation as agreed upon, shall be deemed guilty of a misdemeanor.

Evidence.

SEC. 3. The failure of either party to such contract to perform the obligation assumed by him thereunder, without sufficient cause, and to the injury of the other, shall be prima facie evidence, in prosecutions under sections 1 and 2, that he violated such contract fraudulently and with malicious intent to injure the other party.

Procuring advances.

SEC. 4. Any person who shall hereafter contract with another to render personal service of any kind to him, and shall thereafter fraudulently, or with malicious intent to injure the employer, procure advances in money or other thing of value from him, with intent not to render the service agreed upon, and who shall thereafter, with like intent, fail or refuse to perform the service agreed upon, shall be deemed guilty of a misdemeanor. Proof of the fact

that the employee entered into the contract, procured advances, and failed or refused to complete the contract, without sufficient cause, to the injury of the employer, shall be prima facie evidence of the offense herein described and declared a misdemeanor.

SEC. 5. Any person who shall hereafter contract with another to receive from him personal service of any kind, to compensate him therefor, and to make advances to him, and shall thereafter fraudulently, or with malicious intent to injure the employee, receive the benefit of such service, in whole or in part, and with like intent fail or refuse to make the compensation or advances agreed upon, shall be deemed guilty of a misdemeanor. Proof of the fact that the employer entered into the contract, received the benefit of the employee's services, in whole or in part, and failed to make the compensation or advances agreed upon, without sufficient cause to the injury of the employee, shall be prima facie evidence of the offense herein described and declared a misdemeanor. [misdemeanor].

Accepting services.

SEC. 6. The contracts referred to in this act may be either verbal or in writing; if in writing, they must be executed with the formalities required by section 355, Criminal Code, A. D. 1902; if verbal, they must be witnessed by at least two disinterested witnesses, not related by blood or marriage, within the sixth degree, to either party, and the term of service contracted for must be for a definite time, not exceeding one year. All such contracts shall be valid only between the original parties thereto, and any attempted transfer or assignment of any rights thereunder shall be null and void.

Contracts.

SEC. 7. If either party to any written contract herein referred to desires to avail himself [himself] of the benefits of this act against third parties, he shall cause the same to be indexed in the office of the register of mesne conveyances or the clerk of the court (where the office of register [of] mesne conveyances does not exist) of the county in which said labor or service is to be performed, within ten days from the date of the contract; and such indexing shall constitute notice to all third parties. Said index shall show the names of the employer and the laborer, the date of the contract and date of its termination and the location and name of the place or places whereon the said service or labor is to be performed. The clerk of the court or the register of mesne conveyances, as the case may be, shall indorse his official certificate and the date of filing to be indexed upon every such contract filed under the provisions of this act, and his only fee for the same shall be five cents for each contract. And the clerks of court, or the registers of mesne conveyances, as the case may be, in all the counties of the State shall provide a book for indexing such contracts, which shall be plainly labeled "Index Labor Contracts."

Contracts to be recorded.

SEC. 8. Upon conviction in a court of competent jurisdiction of any person charged with any violation of this act, the person so convicted shall be punished by a fine not less than twenty-five dollars and not exceeding one hundred dollars, or by imprisonment not less than twenty days and not exceeding thirty days, for each offense: *Provided*, That there shall be no prosecution under this act unless the arrest warrant shall be issued within thirty days from the commission of the offense.

Penalties.

SEC. 9. This act is not intended, and shall not be construed, to protect any of the parties to, or punish the violation of, any contract or matter connected therewith, where the inducement or consideration of such contract is money or other thing of value advanced to or for the employee prior to the commencement of service thereunder. All such contracts are hereby prohibited and declared null and void.

Construction.

Void contracts.

Approved the 24th day of February, A. D. 1908.

ACTS OF 1909.

ACT No. 4.—Commissioner of agriculture, commerce, and industries—Inspection of factories and workshops—Employment of children.

Title of officer.	SECTION 1. From and after the passage of this act the commissioner of agriculture, commerce and immigration shall be known as the Commissioner of Agriculture, Commerce and Industries, and, in addition to the duties now imposed upon him by law, he shall perform and carry out the provisions of this act.
Duties.	SEC. 2. He shall collect, assort, systematize and present in a report to the governor, on or before the fifth day of January of each year, who shall transmit it to the general assembly, statistical details relating to all departments of labor in this State, such as the hours of labor, cost of living, supply of labor required, estimated number of persons depending on daily labor for their support. Said statistics may be classified as follows: 1. Agriculture. 2. In manufacturing and mechanical industries. 3. In transportation. 4. In clerical and all other skilled and unskilled labor not above enumerated. 5. The amount of capital invested in lands, buildings, machinery, material, and means of production and distribution generally. 6. The number, age, sex and condition of persons employed; the nature of their employment; the number of hours of labor per day, and the wages received in each of the industries and employments enumerated. 7. The sanitary conditions of factories, foundries, machine shops, mercantile establishments, where five or more people are employed as laborers. 8. The number, condition and nature of employment of the inmates of the state prison, county jails and reformatory institutions, and to what extent their employment comes in competition with the labor of artisans and laborers outside of these institutions. 9. All such other information in relation to labor as may seem advisable to further the object sought to be obtained by this act.
Schedule of inquiry.	SEC. 3. The commissioner shall annually, on or before the first day of November, transmit by mail to the owner, operator or manager of every manufacturing establishment in this State a schedule embodying inquiries as to— 1. Name of person, partnership or corporation. 2. Kinds of goods manufactured or business done. 3. Number of partners or stockholders. 4. Capital invested. 5. Average number of persons employed, distinguishing as to sex, adults, and children under sixteen years of age. 6. Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults, and children under sixteen years of age.
Information to be furnished.	SEC. 4. The owner, operator or manager of every establishment which is engaged in manufacturing shall answer the inquiries thereon for the twelve months, November 1st to October 31st preceding, and return said schedule to the commissioner on or before the fifth day of December following receipt of said schedule. SEC. 5. It shall be the duty of all state and county officials, every employer of labor, and every person engaged in any industrial pursuit, to give to the commissioner, or his agents, all necessary information to enable him to perform the duties herein required of him.
Hindering commissioner.	SEC. 6. Every person or corporation who shall willfully impede or prevent the commissioner, his agents or inspectors, in the free and full performance of his duties, or who shall discharge or discriminate in the payment of wages against any person

because of his or her membership in a labor organization, shall be guilty of a misdemeanor, and, upon conviction of the same, shall be fined not less than ten (10) nor more than fifty (50) dollars, or be imprisoned not less than (10) nor more than thirty (30) days. Members of labor organizations.

Sec. 7. The commissioner shall have power to send for persons or papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being duly qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of the commissioner; he and his agents and inspectors shall have free access to all places where five or more people are employed as laborers. Powers.

Sec. 8. No use shall be made in the reports of the commissioner of the names of individuals, firms or corporations supplying the information called for by this act, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent, inspector or employee of said commissioner violating this provision shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars or imprisonment in the county jail not to exceed six months. Names not to be disclosed.

Sec. 9. Said commissioner may employ two inspectors, who shall be appointed by the commissioner at a salary of ten hundred dollars each per annum and necessary traveling expenses, not to exceed two hundred dollars each in any one year, to assist him in the discharge of the duties imposed by this act. The inspectors shall be under the supervision and control of the commissioner. Inspectors.

Sec. 10. The commissioner, his agents and inspectors, may enter all buildings and parts thereof which are subject to the provisions of this act and examine the methods of protection from accidents, the means of escape from fire, the sanitary provisions and the means of ventilation, and may make investigations as to the employment of children and women. May enter buildings.

Sec. 11. Every factory, mercantile or other establishment or office where two or more males and two or more females are employed together, shall be provided with a sufficient number of separate water-closets, earth closets or privies, for the use of each sex, and plainly so designated; and no person shall be allowed to use a closet or privy which is provided for persons of other sex. Such water-closets, earth closets or privies, shall be kept clean and free from disagreeable odors. Water-closets, etc.

Sec. 12. Whoever violates the provisions of section 11 shall be punished by a fine of not less than ten (10) nor more than thirty (30) dollars. Violations.

Sec. 13. It shall be the duty of each corporation or other employer to place in one or more conspicuous places in each room of the factory in which any children under fourteen years of age are employed a notice or notices to the effect that said children are forbidden to clean any gears, cams or pulleys, or to clean in dangerous proximity thereto, while the same are in motion by aid of steam, water, electricity or other mechanical power; and no such employer, or its officers, superintendents, overseers or agents shall knowingly or willfully permit or consent to such children so cleaning the said moving parts; and any officer, superintendent, overseer or agent violating the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense. Employment of children.

Sec. 14. Every person, firm or corporation employing children shall procure from the parent, guardian, or person in custody of said child or children, a signed statement in which shall be recorded the name, birthplace, age and place of residence of every such child under fourteen years of age, and the same shall be produced for inspection on demand of the commissioner or his agents or inspectors. Statements as to age, etc.

Inspections. Sec. 15. The inspectors appointed under this act are hereby empowered to visit and inspect, at reasonable hours, and as often as practicable, the factories, workshops and other establishments in this State referred to in this act, and shall report to the commissioner the result of their inspections. They shall enforce the provisions of this act and prosecute all violations of the same.

Blanks. Sec. 16. All blanks and forms required by the commissioner under this act shall be furnished by the comptroller-general.

Expenses. Sec. 17. Inspectors provided for in this act shall keep and furnish to the comptroller-general and commissioner itemized statements of necessary expenses incurred in enforcing this act. And all the money paid out under this act shall be on a warrant of the comptroller-general.

Approved the 1st day of March, A. D. 1909.

Act No. 65.—Protection of employees on street railways—Inclosed vestibules.

Vestibules to be inclosed. SECTION 1. Electric street railway companies shall affix to their cars or coaches enclosed vestibules for the protection of motormen and passengers during the months of December, January, February and March: *Provided*, That the failure of any such company to comply with the provisions of this act within six months from the day of its ratification shall subject it to a penalty of ten dollars per day, to be recovered by any citizen in the city or town where such company does business, for the benefit of the State: *Provided*, That the same shall not apply to any car or cars operated south of a line ten miles north of and parallel to the thirty-fourth meridian. [sic.]

Approved the 3d day of March, A. D. 1909.

Act No. 121.—Hours of labor of employees in cotton and woolen mills.

Amendment. SECTION 1. Section 1 of an act entitled "An act to limit the hours of labor in cotton and woolen mills", approved on the 19th day of February, 1907, [(act No. 233), shall] be, and is hereby, amended by adding after the words "or sixty hours a week" the following: *Provided however*, That the hours of a single day shall not exceed eleven hours, except for purposes of making up lost time as herein provided"; so that said section, when amended, shall read as follows:

Maximum of eleven hours a day or sixty hours a week. SECTION 1. Ten hours a day, or sixty hours a week, provided, however, that the hours of a single day shall not exceed eleven hours, except for the purposes of making up lost time as herein-after provided, shall constitute the hours for working for all operatives and employees in cotton and woolen manufacturing establishments engaged in the manufacture of yarns, cloth, hosiery and other products for merchandise, except mechanics, engineers, firemen, watchmen, teamsters, yard employees and clerical force. All contracts for longer hours of work other than herein provided in said manufacturing establishments shall be, and the same are hereby, declared null and void; and any person entering into or enforcing such contracts shall be deemed guilty of a misdemeanor in each and every instance, and on conviction in a court of competent jurisdiction, shall be fined a sum of money not less than \$25 nor more than \$100, or imprisonment not exceeding thirty days; *Provided*, That nothing herein contained shall be construed as forbidding or preventing any such manufacturing company from making up lost time to the extent of sixty hours per annum, where such lost time has been caused by accident or other unavoidable cause.

Approved the 4th day of March, A. D. 1909.

ACT No. 124.—Department of agriculture, commerce, and industries.

SECTION 1. An act entitled "An act to establish a department of agriculture, commerce and immigration, and to provide for the appointment and compensation of a commissioner," approved the 23d day of February, A. D. 1904, [(act No. 259), shall] be amended by substituting in the title the word "industries" for "immigration," and substituting in section 1 for the word "immigration" wherever it occurs the word "industries;" so that the section will read as follows:

Amendment.

Section 1. A state department of agriculture, commerce and industries is hereby created, which shall be charged, as far as possible, with the execution of the work usually devolved upon a bureau of industries, a bureau of agriculture and a bureau of publicity.

Department created.

Sec. 2. Section 2 of said act [shall] be amended * * * so that the said section, when so amended, will read as follows:

Section 2. Immediately after the approval of this act, the governor, by and with the consent of the senate, shall appoint for a term of four years, a commissioner of agriculture, commerce and industries, who shall have the qualifications of a good moral character and a competent knowledge of agriculture, manufacturing, publicity and general industries: *Provided*, The governor may remove the commissioner at any time and appoint a successor in like manner. The commissioner shall be empowered to appoint a competent clerk, whose qualifications shall be the same as required by the commissioner.

Commissioner.

Sec. 4. Section 6 of said act [shall] be so amended * * * that the section, as amended, shall read as follows:

Section 6. The commissioner shall be charged with all work looking to the promotion of agriculture, manufacturing and other industries. * * *

Duties.

Sec. 6. Section 6 [9] of the said act [shall] be amended * * * so that the section, when so amended, shall read as follows:

Section 9. In order to facilitate the collection and collation of each [such] information of the resources of the State on all lines, the heads of the several departments of the state government and of the state institutions are hereby required to furnish accurately such information as may be at their command to the commissioner when called upon for the same. The commissioner is hereby empowered to enter manufacturing establishments, chartered by the State, in prosecution of this work, and the corporations operating same shall furnish such information as may not be injurious to their business, when requested to furnish the same by the commissioner of agriculture, commerce and industries.

Information to be furnished.

Approved the 4th day of March, A. D. 1909.

SOUTH DAKOTA.**ACTS OF 1909.****CHAPTER 27.—Safety appliances on railroads—Locomotive headlights.**

SECTION 1. It shall be the duty of every railroad corporation or receivers or lessee thereof operating a line of railroad in this State, within four months after the passage of this act to equip all locomotive engines used in the transportation of passenger trains over said railroad with electric headlights of not less than fifteen hundred candlepower, measured without the aid of a reflector, or with other headlights of not less than fifteen hundred candlepower, measured without the aid of a reflector.

Headlights required.

Sec. 2. The railroad commissioners of the State of South Dakota are hereby authorized and it shall be their duty to order headlights of such candlepower as they may deem necessary on all locomotive engines used in the transportation of trains other

Enforcement.

than passenger trains in the State of South Dakota, giving railroad companies a reasonable time in which to comply with the order: *Provided*, That such time shall not exceed nine months after such order is made.

Violations.

SEC. 3. Any railroad company or the receiver or lessee thereof operating any line of railroad in the State of South Dakota which shall violate the provisions of this act or shall refuse to comply with the order of railroad commissioners as provided for in section two of this act, shall be liable to the State of South Dakota for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense, and such penalties shall be recovered and suit brought in the name of the State of South Dakota in a court of proper jurisdiction by the attorney-general or the state's attorney of any county in or through which such line of railway may be operated.

Approved February 16, 1909.

CHAPTER 75.—Accidents on railroads—Reports.

Accidents to be reported.

SECTION 1. It shall be the duty of every railroad company operating a line of railroad in this State to report all accidents, wrecks or casualties occurring in this State to the board of railroad commissioners. This is intended to include all accidents, wrecks or casualties occurring in the operation of trains or engines on said line or lines of railway within this State, and all other accidents or casualties of whatever nature as may be required under rules adopted by the board. Any reports to said board herein required shall not be for public inspection. All accidents or wrecks occurring in the operation of trains or engines involving loss of life or personal injury, shall be immediately reported to the secretary of the board by telegraph or telephone message, and the company shall forthwith send a written report in detail giving full particulars available in such form as the board may require. All other accidents, including accidents resulting in personal injury or death, other than train accidents, shall be reported to the board on the first day of each month covering the preceding month.

Investigations.

SEC. 2. Whenever any report is made to the board involving a wreck, accident or casualty, and the board deems it necessary, it shall forthwith examine into the causes and circumstances of the same, and it shall thereupon be the duty of the board to order such railroad company to comply with any reasonable requirement prescribed by the board, calculated to prevent the recurrence of any such wreck, accident or casualty.

Violations.

SEC. 3. Every person or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year, or shall suffer both such [such] fine and imprisonment in the discretion of the court.

Approved February 24, 1909.

CHAPTER 117.—Liability of employers for injuries to employees.

Assumption of risks.

SECTION 1. In any suit for damages against a corporation or receiver operating a railroad for the death or personal injury of an employee or servant caused by the wrong or negligence of such corporation or receiver, the plea of assumed risk of the deceased or injured employee, when the ground of the plea is knowledge or means of knowledge of the defect and danger which caused injury or death, shall not be available in the following case: Where such employee had an opportunity before being injured or killed to inform the employer or a superior intrusted by the employer with the authority to remedy or cause to be remedied the defect, and did notify or cause to be notified

the employer or superior thereof within a reasonable time: *Provided*, It shall not be necessary to give such information when the employer or such superior thereof already knows of the defect.

Approved February 27, 1909.

CHAPTER 212.—Safety appliances on railroads—Switch lights.

SECTION 1. It shall be the duty of every railway corporation operating any line of railway in the State of South Dakota, within three months after the passage of this act, to place good and sufficient switch lights on all their main line switches connected with the main line, and to keep the same lighted from dark until daylight: *Provided*, That such lights shall be required only on such main line switches over which trains shall be operated between sunset and sunrise. Switch lights required.

SEC. 2. Any railway corporation which shall willfully violate the provisions of this act shall be liable to the State of South Dakota for a penalty of not less than one hundred dollars or more than one thousand dollars for each offense, and such penalty shall be recovered and suits therefor be brought by the attorney-general or by the state's attorney of any county in or through which such line of railway may be operated. Violations.

Approved March 5, 1909.

TENNESSEE.

ACTS OF 1909.

CHAPTER 124.—Factory inspector—Powers.

SECTION 1. Police powers and authority are hereby conferred upon and vested in the factory inspector, and he shall have full power and authority to enforce all the labor laws of the State, with the exception of the mining laws, by making arrests for the violation of such laws in the same manner as officers of the State empowered by law to make arrests for violation of the laws of the State now have and possess. Enforcement of laws.

Approved February 25, 1909.

CHAPTER 163.—Employment of children—School attendance.

SECTION 1. Every parent, guardian, or other person in this State having control or charge of a child or children between the ages of eight and sixteen years shall send such child or children to a public school or to some other school for at least sixteen weeks or eighty days of not less than four hours each of each year, or as long as the public school of the city or district in which such child resides shall be in session, in case the session shall be less than sixteen weeks during the year, unless such attendance, in whole or in part, is excused by the district or city school directors or other officers having control of the public school in written exemption showing on whose application granted and the period and reasons for which the exemption was granted. School attendance required.

SEC. 2. No such exemption from school attendance shall be granted unless such child has completed the primary school course and attained proficiency in all the subjects or branches thereof, or unless such child has been or is being instructed for not less than sixteen weeks in the year in some private, parochial, or tutorial school or at home by competent and reliable teachers, or unless it appear from the competent medical or other positive and satisfactory testimony that the child is or was in such condition physically or mentally as to prevent its attendance at school, or its application to study for the period of exemption, or unless, because of sickness or extreme poverty, the wages, time, or labor of such child or children are essentially necessary for the support of a destitute parent, or brother, or sister in such indigent family Exemption not granted, when.

Allowances.

to prevent them from becoming objects of charity: *Provided*, That if any such child or children is of a family in extreme poverty and destitution, as aforesaid, the commissioner of the poor of the county may make an allowance or appropriation to reimburse the family or indigent child for, the loss of time, work, or wages during school attendance, and to furnish such child or children necessary clothing, so as to enable such child or children to attend school for the time required without exemption on account of poverty and destitution aforesaid, which sum shall be paid by the commissioners out of any funds at their disposal or by the county upon the recommendation of such payment by said commissioners of the poor: *Provided, further*, That the district directors and city boards or other officers having control of the public schools of the districts and cities may, with the consent of the county or city superintendent of schools, buy and furnish with the school funds for any such child who is of a family in extreme poverty and destitution all necessary text-books for use under the direction of the teacher in the schoolroom during school hours by such indigent child or children and no others, which books shall be delivered by the teacher to the district directors or the city boards of education at the close of the school, or when the necessity thereof terminates: *Provided, further*, That the occasional absence from such attendance by any such child between the ages of eight and sixteen years, not amounting to more than two unexcused absences in four consecutive weeks, reckoned in periods of four weeks from the beginning of the school term, shall not be unlawful.

Text-books.**Attendance at beginning of school.**

SEC. 3. The attendance of sixteen weeks or eighty days required shall begin with the opening of the school session for the year, and shall be consecutive, except for holidays, vacation, detention by sickness, and other necessary and unavoidable causes, and such intermissions of such attendance shall not be counted as part of the sixteen weeks required: *Provided*, That any responsible principal or teacher of any school shall have power to exempt any such child for temporary absence on account of unusual storm, bad weather, or high waters, death in the child's family, providential hindrance, unforeseen and unavoidable accidents, and for the observance of religious festivals and holidays: *Provided further*, That the provisions of this act shall not apply in cases where the home of the parent or other custodian of a child or children between the said ages of eight and sixteen years is more than two and one-half miles from the nearest public school by the shortest road.

Employing children unlawfully absent from school.

SEC. 5. During the period of the year that the public schools of any district or city of this State are in operation it shall be a misdemeanor, punishable by fine, for any person, firm, or corporation to hire or use the services of any child between the ages of eight and sixteen years, unless such child shall first have attended school during the year then current for the length of time required by this act, or unless such child has been excused from school attendance in the manner allowed and prescribed by this act, and a violation of this provision shall subject the offender to a fine of ten dollars (\$10) for each offense, collectable [collectible] in an action in the name of the State before any court of competent jurisdiction, and payable to the county trustee for the benefit of the public school of the district or in which the offense was committed.

Enforcement.

SEC. 8. It shall be the duty of the district, county, and city school boards having control of the public schools in the districts and cities, through the clerk or secretary, as their agent or other school officer designated by the respective boards, to enforce the payment and collection of all fines for the violation of this act incurred by employers, parents, and others within respective districts and cities, and for this purpose to institute all necessary suits therefor in the name of the State before any court having competent jurisdiction, * * *

[This act applies to Cocke County only. The legislature of 1909 passed laws embodying similar provisions, applicable to the following counties: Anderson (age limit, 8 to 14 years), Blount, Carter, Cumberland, Hancock, Hardin, Jefferson, Johnson, Marion, Monroe, Roane, and Sevier.] Application of law.

CHAPTER 473.—*Inspection of factories, etc.—Manufacture of food products.*

SECTION 1. Every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale, or distribution of any food shall be properly lighted, drained, plumbed, and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks, or other persons therein employed and the purity and wholesomeness of the food therein produced; and for the purpose of this act the term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof. Lighting, ventilation, etc.

Sec. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel, and restaurant kitchen shall be well plastered, wainscoted, or celled with metal or lumber, and shall be oil painted or kept well limewashed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel and restaurant kitchen shall be kept washed clean with soap and water; and every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor made of cement, or tile laid in cement, brick, wood, or other suitable non-absorbent material which can be flushed and washed clean with water. Walls.

Sec. 4. The doors, windows, and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than fourteen-mesh wire gauze. Floors.

Sec. 5. Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, canning, sale, or distribution of food shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling, or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick, or any other nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and wash rooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water, and towels, and shall be maintained in a sanitary condition. Operatives, clerks, and all persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water. Screens.

Sec. 6. Cuspidors, for use of operatives, employees, clerks, or other persons, shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution, and five ounces of such solution shall be left in each cuspidor while it is in use. Toilet rooms.

No operative, employee, or other person shall expectorate on floors or side walls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted. Cuspidors.

Living or sleeping in rooms. SEC. 7. No person or persons shall be allowed to live or sleep in any room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared for sale, served, or sold.

Diseased employees. SEC. 8. No employer shall require, permit, or suffer any person to work, nor shall any person work in a building, room, basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, and transportation of food who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis (or consumption), bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic dysentery, measles, mumps, German measles, whooping cough, chicken pox, or any other infectious or contagious disease.

Enforcement. SEC. 9. The pure food and drug inspector or other legal agent of the state board of health shall have full power at all times to enter every building, room, basement, or cellar occupied or used or suspected of being used for the production for sale, manufacture for sale, storage, sale, distribution, or transportation of food, and to inspect the premises and all utensils, fixtures, furniture, and machinery used as aforesaid; and if, upon inspection, any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver, or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storing, sale, distribution, or transportation is being conducted in a manner detrimental to the health of the employees and operatives or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed, or conveyed, the officer or inspector making the examination or inspection shall report such conditions and violations to the pure food and drug inspector, who shall issue an order to the person or persons in authority at the aforesaid establishment to abate the condition or violation or make such improvements as may be necessary to abate them, within the period of five days or such reasonable time as may be required in which to abate them. Such order shall be in writing, and the person receiving the order may, within five days from the issuance of the order, appear in person or by attorney before the pure food and drug inspector to give reason why such instruction should not be obeyed.

Violations. SEC. 10. Any person who violates any of the provisions of this act or who refuses to comply with any lawful orders or requirements of the state pure food and drug inspector duly made in writing as provided in section 9 of this act shall be guilty of a misdemeanor, and, on conviction, shall be punished for the first offense by a fine of not less than \$10 nor more than \$50; for the second offense, by a fine of not less than \$50 nor more than \$100; and for the third and subsequent offense, by a fine of \$200 and imprisonment in the county workhouse for not less than thirty nor more than ninety days, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the state pure food and drug inspector shall constitute a distinct and separate offense, and in case of any violation of this act, the state board of health, or its duly authorized agent, shall act as prosecutor in the court having criminal jurisdiction of said offense. The grand juries of the several counties of this State shall have inquisitorial power over said offenses, and the judges of the several criminal courts and circuit courts having criminal jurisdiction shall especially charge this law to the grand juries of the several counties of the State.

Approved May 1, 1909.

TEXAS.

ACTS OF 1909.

CHAPTER 24.—*Bureau of labor statistics.*

SECTION 1. A bureau of labor statistics is hereby created, which shall be under the charge and control of a commissioner of labor statistics. Bureau created.

SEC. 2. A commissioner of labor statistics shall be appointed by the governor immediately upon the taking effect of this act, who shall hold office until the first day of February, 1911, and until his successor shall have been appointed and qualified, after which the term of office of each commissioner shall begin on the first day of February of every odd-numbered year, and shall continue for two (2) years, and until his successor is appointed and qualified, and all appointments shall be made by the governor of this State. The commissioner may be removed for cause by the governor, record thereof being made in his office, and any vacancy shall be filled in the same manner as the original appointment. The commissioner of labor statistics shall give bond in the sum of two thousand (\$2,000) dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall also take the oath of office prescribed by the constitution. He shall have an office in the capitol building, and, except as hereinafter provided, he shall safely keep and shall deliver to his successors all records, papers, documents, correspondence and property pertaining to or coming into his hands by virtue of his office. Commissioner.
Bond.

SEC. 3. The commissioner of labor statistics shall collect, assort, systematize and present in biennial reports to the governor, statistical details relating to all departments of labor in Texas, and especially as affecting or bearing upon the commercial, social, educational and sanitary conditions of the employees and their families, the means of escape from dangers incident to their employment, the protection of life and health in factories and other places of employment, the labor of children and of women and the number of hours of labor exacted of them, and in general all matters and things which affect or tend to affect the prosperity of the mechanical, manufacturing and productive industries of this State, and of the persons employed therein. Said commissioner shall also, as fully as may be done, collect reliable reports and information from each county, showing the amount and condition of the mechanical, mining and manufacturing interests therein, and all sites offering natural or acquired advantages for the location and operation of any of the different branches of industry, and he shall, by correspondence with interested parties in other parts of the United States, or in foreign countries, impart to them such information as may tend to induce the location of manufacturing and producing plants within the State, together with such information as may tend to increase the employment of labor and the products of such employment in Texas. Duties.

SEC. 4. In each biennial report, the commissioner shall give a full statement of the business of the bureau since the last preceding report, and such information as may be of value to the industrial interests and to persons employed therein, showing among other things, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics and apprentices, the wages earned, the savings from the same, the age and sex of the persons employed, the number and character of accidents, the sanitary conditions of places where persons are employed, the restrictions put upon apprentices when indentured, the proportion of married employees living in rented houses, with the average rental paid, the value of property owned by such employees, and a statement as to the progress made in schools in operation for the instruction of students in mechanic arts, and what systems have been found Reports.

most practical, but such reports shall not contain more than six hundred printed pages, and the same shall be printed and distributed in such manner as is or may be provided by law.

Powers.

Sec. 5. The commissioner of the bureau of labor statistics shall have power to issue subpoenas, administer oaths and take testimony in all matters related to the duties herein required of the said bureau, but such testimony must be taken in the vicinity of the residence or office of the person testifying. Any person duly subpoenaed under the provisions of this act who shall willfully neglect or fail to attend or testify at the time and place mentioned in the subpoena shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not to exceed fifty (\$50) dollars or by imprisonment in the county jail for not to exceed thirty (30) days: *Provided, however*, That no witness shall be compelled to go outside of the county in which he resides in order to testify.

Reports of employers.

Sec. 6. It shall be the duty of every owner, manager and superintendent of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment or place where five or more persons are employed at work, to make to the bureau of labor statistics, upon blanks to be furnished by such bureau, such reports and returns as said bureau may require for the purpose of securing such labor statistics as are contemplated by this act, and such reports and returns shall be made within not to exceed sixty (60) days from the receipt of the blanks furnished by the commissioner or by the bureau, and the same shall be verified under oath. Any owner, manager, superintendent or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place where five or more persons are employed at work, who shall neglect or refuse to make such reports and returns as are required by the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one hundred (\$100) dollars, or by imprisonment in the county jail for not to exceed thirty (30) days.

Names not to be disclosed.

Sec. 7. In the reports made by the commissioner of labor statistics to the governor the names of individuals, firms or corporations supplying information under the provisions of this act shall not be disclosed, nor shall the name of any such individual, firm or corporation be communicated to any person or persons, except such as are employed in the bureau of labor statistics, and any officer or employee of such bureau violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred (\$500) dollars, or by imprisonment in the county jail for not more than ninety (90) days.

Returns to be retained two years.

Sec. 8. No report or return made to the said bureau under the provisions of this act and no schedule, record, or document gathered or returned by its officers or employees shall be destroyed within two (2) years of the collection or receipt thereof, but at the expiration of two (2) years all such reports, returns, schedules, records and documents as shall be considered by the commissioner to be of no further value, shall be destroyed: *Provided*, That the permission of the governor shall first be obtained for such destruction.

Action on complaint.

Sec. 9. Upon the written complaint of two (2) or more persons, or upon his failure otherwise to obtain information in accordance with the provisions of this act, the commissioner of labor statistics shall have the power to enter any factory, mill, workshop, mine, store, business house, public or private work, or other establishment, or place where five (5) or more persons are employed at work, when the same is open and in operation, for the purpose of gathering facts and statistics, such as are contemplated by this act, and for the purpose of examining into the methods of protecting employees from danger and the sanitary conditions in and around such building or place, of all of which the said commis-

sioner shall make and return into the bureau of labor statistics a true and detailed record in writing.

SEC. 10. If the commissioner of labor statistics shall learn of any violation of the law with respect to the employment of children, or fire escapes, or the safety of employees, or the preservation of health, or in any other way affecting the employees, he shall at once give written notice of the facts to the county or district attorney of the county in which the law has been violated, or of some other county, if any there be, having jurisdiction of the offense, and the county or district attorney to whom such notice has been given shall immediately institute the proper proceedings against the guilty person. Attorneys to act when.

SEC. 11. Any owner, manager, superintendent or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place, where five (5) or more persons are employed at work, who shall refuse to allow any officer or employee of the said bureau of labor statistics to enter the same, or to remain therein for such time as is reasonably necessary, or who shall hinder any such officer or employee, or in any way prevent or deter him from collecting information, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one hundred (\$100) dollars, or imprisonment in the county jail for not to exceed sixty (60) days. Hindering commissioner.

SEC. 12. The commissioner of labor statistics shall receive a salary of two thousand (\$2,000) dollars per annum, payable monthly, and he shall also be allowed a clerk and a factory inspector at a salary of one hundred (\$100) dollars per month each, and such other employees and assistants as the legislature shall at any time in the future authorize. The commissioner shall also be allowed all necessary postage, stationery and other expenses of a similar character necessary to the transaction of the business of the bureau, and the said salaries and expenses shall be paid as in the case of other state officers. In addition to his salary, the commissioner and any employee of the said bureau shall be allowed his actual and necessary traveling expenses, while in the performance of his duties under this act, but the total of the expenses of the said bureau, outside of the salaries paid, shall not exceed one thousand, five hundred (\$1,500) dollars per annum. Compensation.

Approved February 26, 1909.

CHAPTER 26.—*Railroads—Safety appliances.*

SECTION 1. From and after the first day of January, A. D. 1910, it shall be unlawful for any common carrier engaged in intrastate commerce by railroad within the State of Texas to use on its lines in moving intrastate traffic within said State any locomotive engine not equipped with a power driving-wheel brake and appliances for operating the train brake system, or to run any train in such traffic after said date that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose, or to run any train in such traffic after said date that has not all of the power or train brakes in it used and operated by such engineer, or to run any train in such traffic after said date that has not at least seventy-five per centum of the cars in it equipped with power or train brakes; and for the purpose of fully carrying into effect the objects of this act, the railroad commission of Texas may, from time to time, after full hearing by public order, increase the minimum percentage of cars in any train which shall be equipped with power or train brakes, and after such minimum percentage has been so increased it shall be unlawful for any common carrier to run any train in such traffic which does not comply with such increased minimum percentage. Power brakes.

SEC. 2. From and after the first day of January, A. D. 1910, it shall be unlawful for any common carrier engaged in commerce Automatic couplers.

as aforesaid to haul or permit to be hauled or used on its line of railroad within the State of Texas any locomotive, tender, car or similar vehicle employed in moving intrastate traffic within the said State which is not equipped with couplers, coupling automatically by impact, and which can be coupled and uncoupled without the necessity of men going between the ends of locomotives, tenders, cars and similar vehicles.

Height of
drawbars.

SEC. 3. From and after the first day of January, A. D. 1910, it shall be unlawful for any common carrier engaged in commerce as aforesaid to use in moving intrastate traffic within said State any locomotive, tender, car or similar vehicle any drawbar of which, when measured perpendicularly from the level of the tops of the track rails upon which such locomotive, tender, car or similar vehicle is standing to the center of such drawbar, is more than thirty-four and one-half (34½) inches in height, or less than thirty-one and one-half (31½) inches in height.

Cars, etc.,
from connect-
ing lines.

SEC. 4. From and after the first day of January, A. D. 1910, when any person, firm, company, corporation, or receiver engaged in commerce as aforesaid shall have equipped a sufficient number of its locomotives, tenders, cars and similar vehicles so as to comply with the provisions of section 1 of this act, it may lawfully refuse to receive from connecting lines of road or shippers any locomotives, tenders, cars or similar vehicles not equipped sufficiently, in accordance with the first section of this act, with such power or train brakes as will work and readily interchange with the brakes in use on its own locomotives, tenders, cars, and similar vehicles, as required by this act.

Grab irons,
etc.

SEC. 5. From and after the first day of January, A. D. 1910, it shall be unlawful for any common carrier engaged in commerce as aforesaid to use in moving intrastate traffic within said State any locomotive, tender, car or similar vehicle which is not provided with sufficient and secure grab irons, hand holds and foot stirrups.

Violations.

SEC. 6. Every such common carrier, whether a copartnership, a corporation, a receiver or an individual or association of individuals, violating any of the provisions of this act, shall be liable to the State of Texas for a penalty of not less than two hundred nor more than one thousand dollars for each offense, and such penalty shall be recovered and suit brought in the name of the State of Texas, in any court of proper jurisdiction in the county of Travis, or in any other county in said State into or through which such line of railroad may run, by the attorney-general or under his direction, or by the county or district attorney in the county in which the suit is brought and the attorney bringing such suit shall receive a fee of fifty dollars for each penalty recovered and collected by him, and ten per cent of the amount collected, to be paid by the State, and the fees and compensation so allowed shall be over and above the fees allowed such attorney under the general fee act.

Defenses ab-
rogated.

SEC. 7. Any employee of any common carrier engaged in commerce as aforesaid who may be injured or killed, shall not be held to have assumed the risks of his employment or to have been guilty of contributory negligence if the violation of such carrier of any provision of this act contributed to the injury or death of such employee.

Approved March 1, 1909.

CHAPTER 28.—*Railroads—Ash pans on locomotives.*

Self-dumping
ash pans.

SECTION 1. On and after the first day or [of] January nineteen hundred and ten (1910) it shall be unlawful for any common carrier engaged in moving commerce in the State of Texas by railroad, to use in moving such commerce in said State any locomotive not equipped with an ash pan which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

SEC. 2. Any such common carrier using any locomotive in violation of the provisions of this act shall be liable to the State of Texas for a penalty of not less than one hundred dollars and of not more than one thousand dollars for each offense and such penalty shall be recovered and suit brought in the name of the State of Texas in any court of proper jurisdiction in Travis County, Texas, or in any county into or through which such carrier may be operating a line of railroad by the attorney-general or under his direction or by the county or district attorney in any such county. The rules of evidence in suits arising under this act shall be the same as in ordinary civil actions, and the same compensation shall be allowed to the attorney bringing such suit as is provided in article 4577 of the Revised Statutes of the State of Texas.

Violations.

SEC. 3. The term "common carrier" as used in this act shall include the receiver or receivers, or other persons or corporations charged with the duty of managing and operating the business of a common carrier.

Definition.

SEC. 4. Nothing contained in this act, shall apply to any locomotive upon which by reason of the use of oil, electricity or other such agency an ash pan is not necessary.

Exemptions.

Approved March 3, 1909.

CHAPTER 33.—*Railroads—Cars, etc., to be repaired within the State.*

SECTION 1. All railroad corporations operating in the State of Texas, and having their repair shops within the State, shall, and are hereby required to repair, renovate or rebuild in the State of Texas, any and all defective or broken cars, coaches, locomotives or other equipment owned or leased by said corporation in the State of Texas, when such rolling stock is within the State of Texas: *Provided*, That such railway shall have or be under obligation to have proper facilities in the State, to do such work: *And provided*, This act shall not be so construed as to require any railway corporation to violate the safety appliance law of Congress of the United States: *And provided further*, That no railway shall be required to haul such disabled equipment a greater distance for repairs at a point within the State of Texas, than would be necessary to reach their repair shops in another State: *And provided further*, That no such railway company shall haul or be permitted to haul for purposes of repair any disabled equipment by or past any shop owned or operated by any such company where said disabled equipment can be repaired, in order to reach some other repair shop at a greater distance for purposes of repairing said disabled equipment: *Provided*, That the provisions of this act shall not apply to companies having less than sixty continuous miles of railroad in operation in this State.

Cars, etc., to be repaired within the State, when.

SEC. 2. All railroad corporations operating in the State of Texas, and having their repair shops within the State, shall be prohibited from sending or removing any of their cars, coaches, locomotives or other equipment out of the State of Texas to be repaired, renovated or rebuilt, when the same is in a defective or broken condition, and within the State.

Sending defective cars out of State.

SEC. 3. The provisions of this act shall not apply in cases of strikes, fires, or other unforeseen casualties and emergencies.

Exemptions.

SEC. 4. Any railway corporation, lessee, receiver, superintendent, or agent who shall violate any of the provisions of this act, shall, after conviction by any court of competent jurisdiction, be liable to a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars.

Violations.

Approved March 5, 1909.

CHAPTER 46.—Railroads—Experienced men to be employed as engineers and conductors.

Engineers. SECTION 1. If any person shall run or operate any locomotive engine upon any railroad in the State of Texas, without having served three (3) years prior thereto as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor, and he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Conductors. SEC. 2. If any person shall act or engage to act as a conductor on a railroad train in this State without having for two (2) years prior thereto served or worked in the capacity of a brakeman or conductor on a freight train on a line of railroad, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Violations. SEC. 3. If any person shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of the provisions of the two preceding sections of this act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Construction of statute. SEC. 4. Nothing in this act shall be construed as applying to the running or operating of engines, in taking said engines to or from trains at division terminals by engine hostlers, or of the shifting of cars or making up trains, or doing any work appurtenant thereto at engine houses, tram or freight yards by switchman or yardman, or in the case of the disability of an engineer or a conductor while out on the road between division terminals. In case of emergency where such companies can not obtain the employees mentioned in this act who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary firemen, engineers and conductors who have not the qualifications prescribed by this act, but no such employment shall continue longer than such companies can supply their respective places with men who have the qualifications prescribed by this act: *And provided further*, That nothing herein contained shall relieve any of such companies from the negligence of any of its employees.

Exemptions. SEC. 4a. The provisions of this act shall not apply to any railroad company within this State or the receiver, [or] lessee thereof, whose line of railway is less than twenty-five miles in length.

Approved March 11, 1909.

CHAPTER 47.—Suits for wages—Attorneys' fees.

Claimant may recover fee. SECTION 1. Hereafter any person in this State, having a valid, bona fide claim against any person or corporation doing business in this State, for personal services rendered or for labor done, * * * may present the same to such person or corporation or to any duly authorized agent, thereof, in any county where suit may be instituted for the same; and if, at the expiration of thirty days after the presentation of such claim, the same has not been paid or satisfied, he may immediately institute suit thereon in the proper court, and if he shall finally establish his claim, and obtain judgment for the full amount thereof, as presented for payment to such person or corporation in such court he shall be entitled to recover the amount of such claim and all costs of suit, and in addition thereto a reasonable amount as attorney's fees, provided, he has an attorney employed in the case, not to exceed twenty (\$20) dollars, to be determined by the court or jury trying the case: *Provided, however*, That nothing in this act shall be con-

strued to repeal or in any manner affect any provision of the law now in force giving a remedy to persons having claims of the character mentioned in this act, but the same shall be considered as cumulative of all other remedies given to such a person or persons.

Approved March 13, 1909.

CHAPTER 53.—Railroads—Shelters for workmen.

SECTION 1. It shall be unlawful for any railroad company, corporation, association or receiver or other persons owning, controlling or operating any line of railroad in the State of Texas, to build, construct or repair railroad car equipment in the State without first erecting and maintaining at every division terminal or other point where five men or more, not including car inspectors, are regularly employed on such repair work, a shed over a sufficient portion of its tracks used for such repair work, so as to provide that all men regularly employed in the construction and repair of the cars, trucks or other railroad equipment shall be sheltered from rain and other inclement weather. The provision of this act shall not apply at points where less than five men, not including car inspectors, are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs on cars nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of such cars. Shelters to be constructed.

SEC. 2. Any railroad company or officer or agent thereof, or any other person, who shall violate the provisions of this act, by failing or refusing to comply with its provisions, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$50 nor more than \$100, and each day's failure or refusal to comply with the provisions of this act, shall be considered a separate offense. Violations.

Approved March 17, 1909.

CHAPTER 59.—Hiring out children to support parents in idleness.

SECTION 1. The following persons are and shall be punished as vagrants, viz:

* * * * *

(n) All persons who are able to work and do not work, but hire out their minor children or allow them to [be] hired out and live upon their wages, being without other means of support. Who are vagrants.

Approved March 17, 1909.

CHAPTER 79.—Labor organizations—Unlawful wearing of badges.

SECTION 1. Any person who shall willfully and without due authority use or wear the badge, label or button or other emblem of * * * any labor organization, or any order, society or organization in the State of Texas, or who shall use or wear the same to obtain aid or assistance or patronage thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of * * * any labor organization, or any order, society or organization in the State of Texas, whose badge, label or button or other emblem was so used or worn, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$50, or imprisonment for a term not exceeding sixty days, or both, at the discretion of the court or jury trying the case. Penalty for unauthorized use of badges.

Approved March 19, 1909.

CHAPTER 89.—*Blacklisting.*

SECTION 1. Section 1 of * * * [chapter 67, Acts of 1907] is hereby amended so as to read as follows, to wit:

What is discrimination. Section 1. Either or any of the following acts shall constitute discrimination against persons seeking employment:

Blacklisting.

1. Where any corporation, or receiver of the same, doing business in this State, or any agent or officer of any such corporation or receiver shall blacklist, prevent, or attempt to prevent, by word, printing, sign, list or other means, directly or indirectly, any discharged employee, or any employee who may have voluntarily left said corporation's service, from obtaining employment with any other person, company, or corporation, except, by truthfully stating in writing on request of such former employee, the reason why such employee was discharged, or why his relationship to such company ceased.

Sending secret information to prospective employer.

2. Where any corporation, or receiver of the same, doing business in this State, or any officer or agent of such corporation or receiver, shall by any means, directly or indirectly, communicate to any other person or corporation any information in regard to a person who may seek employment of such person or corporation, and fails to give such person in regard to whom the communication may be made, within ten days after demand therefor a complete copy of such communication, if in writing, and true statement, if by sign or other means, not in writing, and the names and addresses of all persons or corporations to whom said communication shall have been made.

Failure to furnish reason for discharge.

3. Where any corporation, or receiver of the same, doing business in this State, or any agent or employee of such corporation or receiver, shall have discharged an employee, and such employee demands a statement in writing of the cause of his discharge, and such corporation, receiver, agent or employee thereof fails to furnish a true statement of the same to such discharged employee within ten days after such demand, or where any corporation or receiver of the same, or any officer or agent of such corporation or receiver, shall fail, within ten days after written demand for the same, to furnish to any employee voluntarily leaving the service of such corporation or receiver, a statement in writing that such employee did leave such service voluntarily, or where any corporation or receiver of the same doing business within this State, shall fail to show in any statement under the provision of this act the number of years and months during which such employee was in the service of the said corporation or receiver in each and every separate capacity or position in which he was employed, and whether his services were satisfactory in each such capacity or not, or where any such corporation or receiver shall fail within ten days after written demand for the same, to furnish to any such employee a true copy of the statement originally given to such employee for his use in case he shall have lost or is otherwise deprived of the use of the said original statement.

Withholding communications.

4. Where any corporation or receiver of same doing business in this State, or any agent or officer of the same, shall have received any request, notice or communication, either in writing or otherwise, from any person, company or corporation, preventing or calculated to prevent the employment of a person seeking employment, and shall fail to furnish to such person seeking employment, within ten days after a demand in writing therefor, a true statement of such request, notice or communication, and if in writing, a true copy of same, and if otherwise than in writing, a true statement thereof, and a true interpretation of its meaning, and the names and addresses of the persons, company or corporation furnishing the same.

Furnishing statements to third parties.

5. Where any corporation, or receiver of the same, doing business in this State, or any officer or agent of such corporation or receiver, discharging an employee, shall have failed to give such employee a true statement of the causes of his discharge within

ten days after a demand in writing therefor, and shall thereafter furnish any other person or corporation any statement or communication in regard to such discharge unless at the request of the discharged employee.

6. Where any corporation, or receiver of same, doing business in this State, or any officer or agent of such corporation or receiver shall discriminate against any person seeking employment on account of his having participated in a strike. Refusing employment to participants in strikes.

7. Where any corporation or receiver of the same, doing business in this State, or any officer or agent of such corporation, or receiver, shall give any information or communication in regard to a person seeking employment having participated in any strike unless such person violated the law during his participation on [in] such strike, or in connection therewith, and unless such information is given in compliance with subdivision 1 of section 1 of this act. Reporting participation in strikes.

Approved March 20, 1909.

CHAPTER 91.—*Inspector of mines.*

SECTION 1. Section 21 of chapter 178 of the laws of * * * 1907, is hereby amended so as to read as follows:

Section 21. It shall be the duty of the state mining inspector to enforce the provisions of this act under the instructions of the state mining board, and to make a report to said board at its semi-annual meetings, and oftener if required. He shall receive for his services the sum of two thousand (\$2000) dollars per year and actual traveling expenses incurred in the discharge of his duty: *Provided*, That his traveling expenses shall not in any one year exceed the sum of one thousand (\$1000) dollars. Said mining inspector shall file an itemized statement, showing the actual amounts expended, and the number of times he inspected each mine or mines. Inspector to enforce law.

SEC. 2. It shall be the duty of the state mining inspector to enforce the provisions of this act, under the instruction of the state mining board, and to make report to said board at its semi-annual meetings and oftener if required: *Provided*, That neither the instructions of said board nor the acts of said inspector shall ever discriminate in favor of or against any mine or mines, nor against any owner, operator, or employee of any mine or mines, but said acts, either of the board, or of the inspector, shall be impartial, fair and just to all persons or corporations, subject to this act. Acts to be impartial.

Before receiving his appointment by the governor, the inspector of mines shall be required to enter into and deliver to the governor a good and sufficient bond in the sum of ten thousand (\$10,000) dollars, with at least three good lawful and sufficient securities, for the faithful and impartial performance of his duty, and the sureties herein required, shall make affidavit before some officer authorized to administer oaths, that they, in their own right, over and above all exemption, are worth the full amount of the bond they sign as sureties, said bond to be approved by the governor provided he is satisfied as to its sufficiency, and said bond shall be conditioned that there shall be no discrimination in favor of or against any mine or mines, nor against any owner, operator or employee of any mine or mines: *Provided further*, If the fact may be shown that said inspector has discriminated against and to the injury of any mine or mines, or against and to the injury of any owner, operator or employee, then the said owner, operator or employee may sue upon the bond herein provided for, and shall be entitled to recover such liquidated damages as may be proven and shown in such suit. Bond.

Liability for discrimination.

Approved March 20, 1909.

CHAPTER 100.—*Railroads—Trains not to be run without sufficient crews.*

- Passenger trains.** SECTION 1. It shall be unlawful for any railroad company or receiver of any railroad company doing business in the State of Texas to run over its road or part of its road outside of the yard limits, any passenger train with less than a full passenger crew consisting of four persons, one engineer, one fireman, one conductor and one brakeman.
- Freight, etc., trains.** SEC. 2. It shall be unlawful for any railroad company or receiver of any railroad company doing business in the State of Texas to run over its road or part of its road, outside the yard limits, any freight train, gravel train or construction train with less than a full crew consisting of five persons, one engineer, one fireman, one conductor and two brakemen.
- Light engines.** SEC. 3. It shall be unlawful for any railroad company or receiver of any railroad company doing business in the State of Texas to run over its road, or part of its road, outside of the yard limits, any light engine without a full train crew, consisting of three persons, one engineer, one fireman and one conductor: *Provided*, That nothing in this act shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, or to switching crews in charge of yard engines or which may be required to push trains out of yard limits.
- Violations.** SEC. 4. Any railroad company or any receiver of any railroad company doing business in the State of Texas which shall violate any of the provisions of this act shall be liable to the State of Texas for a penalty of not less than \$100 or more than \$1,000 for each offense; and such penalty shall be recovered and suit brought in the name of the State of Texas in a court of proper jurisdiction in Travis County, Texas, or in [any] county in or through which such line of railroad may run, by the attorney-general or under his direction, or by the county or district attorney in any county, or through which such line of railroad may be operated, and such suits shall be subject to the provisions of article 4577, Revised Statutes of the State of Texas.
- Exemptions.** SEC. 4a. The provisions of this act shall not apply to or include any railroad company or receiver or manager thereof, of any line of railroad in this State, less than twenty miles in length.
- Approved March 20, 1909.

CHAPTER 101.—*Hours of labor of railroad employees.*

- Rest of ten hours.** SECTION 1. It shall be unlawful for any railroad company or receiver of any railroad company operating any line of railroad in whole or in part in this State, or any officer, or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman to be or remain on duty for a longer period than sixteen consecutive hours; and whenever any such conductor, engineer, fireman, or brakeman shall have been continuously on duty for sixteen hours, he shall be relieved and shall not be required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such conductor, engineer, fireman or brakeman who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty.
- Eight hours rest.** SEC. 2. Any railroad company or receiver of any railroad operating a line of railroad in whole or in part in this State, or any officer or agent of such railroad or receiver who shall violate any of the provisions of this act shall be liable to a penalty of not to exceed \$500 for each and every violation, and any such penalty shall be recovered and suit therefor shall be brought in the name of the State of Texas in any court having jurisdiction of the amount, in Travis County or in any county into or through which
- Violations.**

said railroad may pass. Any suit or suits to recover a penalty or penalties for violating any of the provisions of this act may be brought either by the attorney-general or under his direction, or by the county attorney or district attorney of any county or judicial district into or through which said railroad may pass, and such attorney bringing any such suit or suits, shall be entitled to compensation of one-third of any penalty or penalties recovered therein. In all prosecutions under this act against any railroad company, or receiver of any railroad company, such company or receiver shall be deemed to have had knowledge of all acts of all of its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident, or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of any conductor, engineer, fireman or brakeman at the time such conductor, engineer, fireman or brakeman left a terminal, and which act could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to crews of wrecking or relief trains.

Approved March 20, 1909.

ACTS OF 1909—FIRST EXTRA SESSION.

CHAPTER 10.—*Liability of railroad companies for injuries to employees.*

SECTION 1. Every corporation, receiver, or other person operating any railroad in this State, shall be liable in damages to any person suffering injury while he is employed by such carrier operating such railroad; or in case of the death of such employee, to his or her personal representatives for the benefit of the surviving widow and children, or husband and children, and mother and father of the deceased, and if none, then of the next kin dependent upon such employee for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier; or by reason of any defect or insufficiency due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment: *Provided*, The amount recovered shall not be liable for the debts of deceased and shall be divided among the persons entitled to the benefit of the action, or such of them as shall be alive, in such shares as the jury, or court trying the case without a jury, shall deem proper: *And provided*, In case of the death of such employee the action may be brought without administration by all the parties entitled thereto, or by any one or more of them for the benefit of all, and if all parties be not before the court the action may proceed for the benefit of such of said parties as are before the court.

Liability on account of—

Negligence of officers or employees;

Defects in ways and appliances.

Recovery exempt.

SEC. 2. In all actions hereafter brought against any such common carrier by [or] railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violations by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Comparative negligence.

SEC. 3. Any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation of such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Assumption of risks.

Contracts of
waiver.

SEC. 4. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief, benefit or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

Construction
of act.

SEC. 5. Nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under "The Assumed Risk Law," enacted by the twenty-ninth legislature and known as chapter 163, page 386, of the general laws of the twenty-ninth legislature [Acts of 1905], [or] any other act or acts of the legislature of this State, though in case of conflict this law shall prevail, or to affect the prosecution of any pending proceeding or right of action under the laws of this State.

Approved April 13, 1909.

UTAH.

ACTS OF 1909.

CHAPTER 21.—*Private employment offices.*

License re-
quired.

SECTION 1. It shall be unlawful for any person, persons, firm, corporation or association to open and establish in any city, town, or elsewhere within the limits of the State of Utah, any intelligence or employment office, for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work, employment, or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person, persons, firm, corporation or association performing any of the foregoing enumerated services as aforesaid, shall be deemed to be an employment agent within the meaning of this act.

Cities to
make rules.

SEC. 2. Every city, town, or county in this State shall, by ordinance, provide for the issuing of licenses as contemplated by this act, and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued.

Applications.

SEC. 3. Any person, persons, firm, corporation, or association applying for a license under the provisions of this act, shall make application to the city council, or board of trustees, or board of county commissioners for the same, and shall deposit with the city, town or county treasurer, in advance, the annual fee for such license, to be evidenced by the receipt of the city, town, or county treasurer endorsed on said application. If the city council, board of trustees, or board of county commissioners, refuses to order the issuance of such license to the party or parties applying for the same, the sum so deposited with the city, town or county treasurer shall be refunded to the applicant or applicants for license without any further action of the city council, board of trustees, or board of county commissioners.

Bond.

SEC. 4. Any person, persons, firm, corporation, or association licensed under the provisions of this act shall pay an annual license fee in such amount as may be determined by the city council, board of trustees, or board of county commissioners, and before such license shall be issued shall deposit with the city, town or county treasurer a bond in the penal sum of \$1,000, with two or more sureties, to be approved by the officers designated by ordinance; such bonds shall be made payable to the city, town or

county where such business is to be carried on, and shall be conditioned that the person, persons, firm, corporation or association applying for the license will comply with this act and shall pay all damages occasioned to any person by reason of any misstatement, or misrepresentation, or fraud, or deceit of any person or persons, their agents, or employees, or from any other violation of this act, in carrying on the business for which license is granted. If at any time, in the opinion of the officers designated by ordinance to approve said bond, as provided herein, the sureties, or any of them, shall become irresponsible, the person, firm, corporation, or association holding such license, shall, upon notice from the city or town treasurer, give a new bond, to be approved as hereinafter provided. Failure to give a new bond within ten days after such notice, shall operate as a revocation of such license, and the license shall be immediately returned to the city, town or county treasurer, who shall destroy the same. Licenses granted under this act may be transferred by order of the city council, board of trustees, or board of county commissioners, but before such transfer shall be authorized, the applicant or applicants for the same shall deposit with the city, town or county treasurer the sum of \$5, which shall be endorsed upon the application, and the person, persons, firm, corporation, or association to whom such license is transferred shall also deposit such bond as is required by the applicant or applicants for an original license, as hereinbefore prescribed, and to be approved in the same manner.

SEC. 5. Upon the granting of a license by the city council, board of trustees, or board of county commissioners, under this act, the city, town or county treasurer shall, within one week after payment of the license fee, issue to the applicant or applicants entitled to the same, a certificate of license setting forth the fact that such license has been granted, and it shall be the duty of all persons, firms, corporations, or associations, who may obtain such certificate of license, to keep the same publicly exposed to view in a conspicuous place in their office or place of business.

Certificate to
issue.

SEC. 6. Any employment agent who shall knowingly send out any female help to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be liable to pay a fine of not less than one hundred dollars (\$100), and shall be imprisoned not less than ninety days and on conviction thereof, in any court, shall have his, its or their license rescinded.

Sending females to immoral resorts.

SEC. 7. Any employment agent who shall send out any help, male or female, without having previously obtained a bona fide order, shall, upon conviction thereof, for each and every offense be subject to the penalties provided in section 16 of this act.

Prior order
required.

SEC. 8. It shall be unlawful for any employment agent in the State of Utah to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment, for any information or assistance furnished or to be furnished by said agent to such person, enabling or tending to enable said person to secure such employment, prior to the time at which said information or assistance is actually thus furnished.

Fees not to
be accepted,
when.

SEC. 9. It shall be unlawful for an employment agent in the State of Utah to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance such as is described in section 1 hereof, if the person for whom such information or assistance is furnished fails, through no neglect or laches of his own, to secure the employment regarding which such information or assistance is furnished; and said money or consideration shall be by said agent forthwith returned to the payer of the same, upon demand therefor by the latter or his agent.

Fees to be re-
turned, when.

SEC. 10. It shall be unlawful for any employment agent in the State of Utah to receive as commission, directly or indirectly, for information or assistance such as is described in section 1 of this act, any money or other consideration which is in value in excess of eight per cent of the amount earned, or prospectively to be

Limit of fees.

earned, by the person to whom such information is furnished, through the medium of the employment regarding which such information or assistance is given, during the first month of such employment: *Provided*, That said value of said commission shall not be in excess of eight per cent of the amount actually prospectively to be earned in such employment when it is mutually understood by the agent and person in this section mentioned, at the time when said information or assistance is furnished, that said employment is to be for a period of less than one month.

Employers' register.

SEC. 11. Each employment agent duly licensed under this act shall enter upon a register to be kept for that purpose, and to be known as an "employers' register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual, for whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, street and number, if any, where such work or employment is to be furnished, and the wages to be paid.

Applicants' register.

SEC. 12. Each employment agent in the State of Utah shall keep a register, to be known as "labor applicants' register," which shall show the name of each person to whom information or assistance is furnished, and as is described in section 1 hereof; and the amount of the commission received in each such case therefor; the name of each person who, having received and paid for, as herein contemplated, information or assistance such as is described in section 1 hereof, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why said employment was not by said person secured, and the name of each person to whom return is made, in accordance with the provisions of section 9 hereof, of any money or other consideration such as is in said section named, together with the amount of said money, or the value of said consideration, thus returned. The registers required by section 11 of this act and by this section shall be open at all reasonable hours to the inspection of any peace official of any municipality or county in this State.

Contracts to be in duplicate.

SEC. 13. Every person securing information or intelligence from an employment agent in reference to hiring or engagement to work for others, as provided in section 1 of this act, shall be furnished a written copy in duplicate of the terms of such hire or engagement by said employment agent, showing amount of commissions or fees paid such employment agent, kind of service to be performed, rate of wages or compensation, length of time, if definite, and if indefinite, it should be so stated, of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person; one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the labor is to be performed, and the other to be retained by the person furnished with information or intelligence, as aforesaid; and the agent issuing the above described written copy of the conditions of service or employment shall make and keep, in a book provided for the purpose, a third copy of the same; and any person engaged in the business of keeping an employment office, such as is contemplated by this act, who shall fail to observe the provisions of this section shall be subject to the penalties provided in section 16 of this act: *Provided*, That it shall be lawful to keep the register required by section 12 of this act, and the receipt required by this section, in the same book and on one and the same form, if desired.

Dividing fees.

SEC. 14. Any employment [employment] agent sending out help to contractors or other employers of help, and dividing the fees herein allowed with subcontractors and employers of help, or their foreman or anyone in their employ, shall be subject to the penalties provided in section 16 of this act.

Office in saloons.

SEC. 15. It shall be unlawful for any employment agent in the State of Utah to conduct the business of an employment or

intelligence office in, or in connection with, any place where intoxicating liquors are sold or dispensed.

SEC. 16. If any person, persons, firm, corporation, or association, or his, its, or their agent or employees engage in the business of employment or intelligence agent or broker, duly licensed, as provided in this act, shall give any false information or shall make any misstatement or shall make any false promises concerning any work or employment or occupation, or shall fail to keep the registers as are prescribed in sections 11 and 12 of this act, or shall willfully make any false entries in such register, or shall violate any other provisions of this act, for which violation penalties are not hereinbefore provided, shall, upon conviction thereof, for each and every offense, be fined in any sum not exceeding one hundred dollars (\$100), and in the discretion of the trial judge, the license under which such person, persons, firm, corporation or association has or have been permitted to conduct the business of any employment or intelligence office, shall be forfeited. Giving false information, etc.

SEC. 17. All claims or suits brought in any court against any employment or intelligence agent, may be brought in the name of the party injured upon the bond deposited with the city, town or county treasurer by said employment or intelligence agent, as provided in section 4, and may be transferred, as other claims, for damage in civil suits; the amount of damages claimed by the plaintiff, not the penalty named in the bond, shall be the test of the jurisdiction of the court in which the action is brought. Suits.

SEC. 18. Nothing herein shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do under the provisions of this act. Exemptions.

SEC. 19. The keeper of an employment or intelligence office shall cause two copies of sections 7 to 10 inclusive and sections 13 to 16 inclusive of this act, printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment or intelligence office. Law to be posted.

Approved March 2d, 1909.

CHAPTER 52.—*Foremen, etc., accepting fees for furnishing employment.*

SECTION 1. Any superintendent, foreman, assistant, boss, or any other person, or persons, who shall receive or solicit, or cause to be received or solicited, any sum of money or other valuable consideration, from any person for or on account of the employment, or the continuing of the employment of such person, or of any one else, shall be deemed guilty of a misdemeanor. Accepting fees prohibited.

Approved March 11th, 1909.

CHAPTER 80.—*Citizens to be preferred for employment on public works.*

SECTION 1. In employing workmen in or on the construction of public works by the State, county, or municipality or by persons contracting with the State, county, or municipality, preference shall be given citizens of the United States, or those having declared their intentions of becoming citizens. In each contract for the construction of public works the provisions shall be inserted to the effect that if the provisions of this section are not complied with the contract shall be void. Who to be preferred.

Approved March 22d, 1909.

VERMONT.

ACTS OF 1908.

ACT No. 4.—*Employment of children—General provisions.*

SECTION 1. Section 1044 of the Public Statutes is hereby amended so as to read as follows:

Who may is-
sue permits.

[The amendment consists in authorizing the district superintendent of schools, in case of district supervision, and the chairman of the prudential committee, in case of an incorporated district, to issue the certificate permitting employment, in addition to town superintendents of schools. Section 1045, relative to enforcement, is correspondingly amended.]

ACT No. 104.—*Safety appliances on railroads—Power brakes.*

SECTION 4. Section 4495 of the Public Statutes is hereby amended so as to read as follows:

P o w e r
brakes.

Section 4495. All railroad passenger trains shall be provided with brakes operated from the engine by the engineer.

Approved December 18, 1908.

ACT No. 116.—*Accidents on railroads, etc.*

Accidents to
be reported.

SECTION 7. The superintendent or manager of any line or plant, subject to supervision under this act, [relative to public service corporations, etc.,] shall immediately after its occurrence notify said [public service] commission in writing of any accident within this State upon such line or plant resulting in loss of life, or injury to any person which shall incapacitate him from engaging in his usual vocations. Said commission shall inquire into the cause of every such accident, and if, in its judgment, a public investigation is necessary, it shall fix a time and place of holding the same, and thereupon proceed as provided in section 4609 of the Public Statutes relating to investigation of accidents upon railroads.

Approved January 20, 1909.

VIRGINIA.

ACTS OF 1908.

CHAPTER 54.—*Labor organizations, etc.—Unlawful use of buttons or other insignia.*

Unauthorized
wearing of
badges.

SECTION 1. Any person who shall willfully wear any insignia or button of any association, society, or trade's union, or use the same to obtain aid or assistance, within this State, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations and [of] such organizations, * * * shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed one hundred dollars, and in default of payment committed to jail for a period of not to exceed sixty days. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 20, 1908 [1908].

CHAPTER 180.—*Sunday labor.*

SECTION 1. Section thirty-seven hundred and ninety-nine of the Code of Virginia, as amended by an act approved March second, nineteen hundred and four, shall be amended and reenacted so as to read as follows:

Sunday labor
prohibited.

Section 3799. If a person on the Sabbath day be found laboring at any trade or calling, or employ his apprentices or servants in

labor or other business, except in household or other work of necessity or charity, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars for each offense. Every day any person or servant or apprentice is so employed shall constitute a distinct offense and the court in which or the justice by whom any judgment of conviction is rendered may require of the person so convicted a recognizance in a penalty of not less than one hundred or more than five thousand dollars, with or without security, conditioned that such person shall be of good behavior, and especially to refrain from a repetition of such offense, for a period not exceeding twelve months.

Approved March 11, 1908.

CHAPTER 228.—*Inspection of factories—Respiratory shields.*

SECTION 1. Every owner or agent of a peanut cleaning establishment operated for the purpose of cleaning peanuts, and every owner or agent operating a cotton factory in this Commonwealth [shall] be, and the same are hereby required to furnish each employee or operative employed in any such peanut cleaning establishment or cotton factory, who may wish to use the same, a suitable sponge shield to protect such operative or employee from inhaling the dust and floating particles in the air while employed in such peanut cleaning establishment or cotton factory. Said shield to be supplied by the owner or agent of said peanut cleaning establishment or cotton factory at actual cost and to be paid for by each operative or employee. Shields to be furnished at cost.

SEC. 2. Any owner or agent of said peanut cleaning establishment or cotton factory who shall fail to provide such shield upon application after a reasonable time shall be subject to a fine of not less than one dollar nor more than five dollars, and every day's failure to comply with such request shall constitute a separate offense.

Violations.

Approved March 12, 1908.

CHAPTER 301.—*Employment of children—Age limit.*

SECTION 1. On and after March first, nineteen hundred and nine, no child under the age of thirteen years, and on and after March first, nineteen hundred and ten, no child under the age of fourteen years, shall be employed, permitted or suffered to work in any factory, workshop, mercantile establishment, or mine in this Commonwealth: *Provided*, This act shall not exclude any child over the age of twelve, who is an orphan, or who for any other reason is dependent on its own labor for support, nor any child or children whose parent or parents are invalids, and solely dependent upon the labor of such child or children for support; in either of which cases a certificate shall be obtained from the circuit court of the county, or corporation court of the city, or the judge thereof in vacation, or from the mayor of the city or town, or a justice of the peace of the magisterial district, as the case may be, in which such child or children reside, setting forth the fact that a necessity exists, and authorizing the employment of said child or children, and a copy of such permit shall be forwarded to the commissioner of labor within ten days from the granting thereof, by the clerk of the court in which, or the officer by whom such permit was granted.

Age limit.

Orphans, etc.

Certificate.

Any owner, superintendent, overseer, foreman or manager, who shall knowingly employ or permit any child to be employed contrary to the provisions of this act, in any factory, workshop, mercantile establishment, or mine, with which he is connected, and any parent or guardian, who allows any such employment of his child or ward, shall upon conviction of such offense, be fined not less than twenty-five dollars nor more than one hundred dollars: *Provided*, That as to fruit and vegetable canneries, and as to

Violations.

stores in the country and in towns of less than two thousand population, and country workshops not in the suburbs of a city, the law shall remain as if this act had not been passed. But nothing in this act shall prevent a parent from working his or her child in any factory, workshop, mercantile establishment, or mine, or other place owned or operated by said parent.

Any employment contrary to the provisions of this act shall be prima facie evidence of guilt, both as to the employer and the parent or guardian of the child so employed.

Repeal.

Sec. 2. All acts and parts of acts that are or may be in conflict with the operation of this act on and after March the first, nineteen hundred and nine, are to that extent hereby repealed, said repeal to take effect as of March the first, nineteen hundred and nine.

Approved March 13, 1908.

WASHINGTON.

ACTS OF 1909.

CHAPTER 31.—*Railroads—Construction and equipment of cabooses.*

Length.

SECTION 1. It shall be unlawful for any person, corporation or company operating any railroad or railway in this State to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with suitable water-closets, cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars and said caboose cars shall be equipped with at least two four-wheel trucks and an operative hand brake on each end: *Provided, however,* That this act shall not apply to logging railways upon which passengers are not regularly carried for hire.

Equipment.

Violations.

Sec. 2. Any person, corporation or company operating any railroad or railway in this State, violating any of the provisions of sec. 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1,000), for each offense.

Time allowance.

Sec. 3. This act shall be in force and take effect from and after the first day of January, 1910: *Provided,* That caboose cars not conforming to the above requirements may be operated on branch lines not exceeding 100 miles in length, and on work trains, until January 1, 1911.

Approved March 2, 1909.

CHAPTER 32.—*Assignments of wages.*

Employer to accept.

SECTION 1. No assignment of, or order for, wages to be earned in the future to secure a loan of less than three hundred dollars, shall be valid against an employer of the person making said assignment or order unless said assignment or order is accepted in writing by the employer, and said assignment or order, and the acceptance of the same, have been filed and recorded with the county auditor of the county where the party making said assignment or order resides, if a resident of the State, or in which he is employed, if not a resident of the State.

Wife to join.

Sec. 2. No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

Approved March 2, 1909.

CHAPTER 55.—*Mine regulations—Safety lamps.*

Safety lamps to be used when.

SECTION 1. In every working of a coal mine approaching any place where there is likely to be an accumulation of explosive gases, or in any working where there is imminent danger from

explosive gases, no light, lamp or fire other than a magnetic-locked, air-locked or lead-locked safety lamp shall be allowed or used, except by mine superintendents, mine foremen or their assistants, gas testers, fire bosses or shot lighters, who may use such lamps as may be approved by the state mine inspector. Whenever safety lamps are required in any mine they shall be the property of the owner of said mine, and a competent person, who shall be appointed for the purpose, shall examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be clean, safe and securely locked, and safety lamps shall not be used until they have been so examined and found safe, clean and securely locked.

SEC. 2. Whenever the operator or operators of any mine may be using safety lamps other than magnetic-locked, air-locked or lead-locked lamps, the said operator or operators shall procure and put in use the said magnetic-locked, air-locked or lead-locked lamps and cease the use of such other lamps within six months from the time this act shall go into effect. Where nonmagnetic-lighting safety lamps are not in use, the operator or operators shall provide stations in safe places for relighting safety lamps. Type of fastening.

SEC. 3. For the violation of any of the provisions of this act the operator or operators of any mine shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not less than fifty dollars nor more than two hundred dollars and in addition thereto the state mine inspector shall have authority and it shall be his duty to close such mine until the provisions of this act shall be complied with. Any man opening or tampering with one of said safety lamps or found with matches or any lighting device other than the safety lamps, shall be guilty of a misdemeanor and upon conviction thereof for the first offense he shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) and for the second offense he shall be fined not less than two hundred dollars (\$200) or imprisonment for a term of not more than one year. Violations.

Approved March 6, 1909.

CHAPTER 57.—*Mine regulations—Ventilation.*

SECTION 1. Section 5 of an act entitled, An act for the protection of persons working in coal mines, approved March 6, 1897, is hereby amended to read as follows:

Section 5. The quantities of air in circulation shall be ascertained with an anemometer; such measurements shall be made by the superintendent, inside foreman or his assistant, at least once a week at the inlet and outlet airways, also at or near the face of each gangway, and at the nearest crossheading to the face of the inside and outside chamber, breast or pillar where men are employed: *Provided*, That no heading shall be driven more than sixty feet from the face of each chamber, breast or pillar, unless for the reason that he deem the same impracticable the inspector gives permission in writing to extend the distance beyond sixty feet. A record of all measurements herein provided for shall be entered in a book to be kept for that purpose, and said book must always be produced for examination at the request of the inspector. It shall be the duty of the mine inspector, whenever he shall visit said mine, to make a careful measurement of the quantities of air in circulation therein, said measurements to be made at the places hereinabove indicated. Any superintendent, inside foreman or his assistant, who shall neglect or fail to comply with the provisions of this section, or who shall make any false report in regard to air measurements, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and shall stand committed to the county jail until such fine is fully paid. Air to be measured.

Approved March 6, 1909.

CHAPTER 93.—*Safety appliances on railroads—Accidents.*

Using defective appliances. SECTION 23. Section 31 of said act [chapter 81, Acts of 1905, creating a railroad commission, etc.] is hereby amended to read as follows: Section 31. It shall be unlawful for any railroad or railway corporation or company owning and operating, or that may hereafter own or operate, a railroad in whole or in part in this State to knowingly or negligently use or operate any car, tender or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective, or to knowingly operate its train over any defective or dangerous track, bridge or structure.

Switch engines. It shall be unlawful for any railroad or railway corporation or company owning or operating or that may hereafter own or operate a railroad in whole or in part in this State, to use or operate any switching engine that is not properly equipped with footboards on both ends not less than seven nor more than ten inches from the top of the rail to the bottom of the footboard, such footboards to be of the same length as the beam to which they are fastened and not to be more than two inches or less than one and one-half inches in thickness, with a toe board at least five inches wide, or that is not equipped with proper grab irons or uncoupling levers placed in lieu of such grab irons, such uncoupling levers to be securely fastened, and such grab irons or uncoupling levers to be placed in such position that men may stand upright on the footboards, excepting in cases of emergency and then only by consent of the railroad commission first had and obtained, or that is not equipped with head lamp on each end; or to use or operate an engine which by reason of defective pipes, cocks, valves or other causes will permit the escape of steam in such volume as to obstruct the view of the enginemen operating such engine; or to operate or move past and beyond any divisional repair point, any equipment that has defective sill steps, couplers or grab irons or defective flanges: *Provided*, That the railroad company may operate defective equipment from any place other than a divisional repair point to the nearest division repair point: *And provided further*, That any railroad company having at any divisional repair point defective equipment, may, upon repairing such defective equipment so that no defect longer exists in the sill steps, couplers, grab irons and flanges, make up such defective equipment into solid trains of defective equipment and move such solid trains to the general repair shops of such railway company, for the purpose of being repaired, but such train shall not be so made up and shall not move unless there be a sufficient number of air brakes in good working order to hold said train upon any grade to be encountered.

Automatic couplers. SEC. 24. Section 32 of said act is hereby amended to read as follows: Section 32. Every railroad corporation owning or operating a railroad or part of a railroad in this State shall on or before the first day of January, 1908, equip and furnish all cars owned or leased and used by it in its service in this State with automatic couplers, coupling automatically which can be coupled and uncoupled without the necessity of men going between the ends of cars, and shall equip, furnish and operate all cars in its passenger service, and not less than 80 per cent of such cars in its freight service with perfectly acting air brakes, and also with good and sufficient hand brakes, and in such a manner as to enable the engineer under ordinary conditions to control the speed of the train without the use of hand brakes, and no freight train shall after such date be run by any such railroad corporation over any part of its road lying within the State, unless the cars composing such freight train are so furnished and equipped.

Grab irons, etc. All freight cars shall be equipped and provided with proper grab irons, ladders and stirrups, securely bolted on so as to enable the employees to climb upon and off such cars with safety: *Provided, however*, That this section shall not apply to boarding and outfit cars when moved as work trains, or to trains con-

sisting wholly of logging trucks and a passenger car or caboose, or to freight trains consisting of not to exceed 50 per cent logging trucks.

All locomotives used in moving passenger trains excepting those assigned strictly to daylight runs shall be equipped with an electric headlight of approved design and capacity and it shall be unlawful to operate any locomotive on a passenger train (excepting a helper attached to the rear of the train, or a locomotive assigned to a daylight run, or in case of emergency occurring by reason of accident to the regular passenger locomotive) not so equipped after September 1st, 1909, or any locomotive used in main line road service not so equipped after February 1st, 1911, except as permitted by the railroad commission of Washington so to do; all frogs, switches and guard rails on all railroads shall be so adjusted, filled, blocked and securely guarded as to protect and prevent the feet of persons being caught therein.

Headlights.

Sec. 25. Section 37 of said act is hereby amended to read as follows: Sec. 37. It shall be the duty of the general manager, superintendent or other proper officer of any railroad operating in this State to make to the railroad commission of Washington at its office a monthly report under oath of all collisions of trains, or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers or employees while in the service of such road and actually on duty, which report shall state the nature and cause thereof and the circumstances connected therewith: *Provided, however,* That neither said report nor any part thereof shall be admitted as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report; that the railroad commission of the State of Washington is hereby authorized to prescribe for such railroad a method and form for making the report in this section provided. And it is made the duty of the divisional superintendent or any other officer in charge of every operating division of any railroad within the State to notify the railroad commission at its office in Olympia by wire, of all accidents on such division resulting in death or injury to any passenger, employee or other person, immediately upon being informed of such accident.

Accidents to be reported.

Sec. 26. Section 38 of said act is hereby amended to read as follows: Section 38. Any railroad divisional superintendent, agent, officer or employee of any railroad, or any agent, officer or employee of any express, telephone or telegraph company operating in this State who shall willfully and knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding five hundred dollars.

Violations.

Approved March 11, 1909.

CHAPTER 97, SUBCHAPTER 16.—*Employment of children—School attendance.*

SECTION 1. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child between eight and fifteen years of age (being between the eighth and fifteenth birthdays), or of any child between fifteen and sixteen years of age (being between the fifteenth and sixteenth birthdays) not regularly and lawfully engaged in some useful and remunerative occupation, shall cause such child to attend the public school of the district, in which the child resides, for the full time when such school may be in session or to attend a private school for the same time, unless the superintendent of the schools of the district in which the child resides, if there be such superintendent, and in all other cases the county superintendents of common schools, shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency

School attendance required.

in the branches required by law to be taught in the first eight grades of the public schools of this State as provided by the course of study of such school, or for some other sufficient reason. Proof of absence from public schools or approved private school shall be prima facie evidence of a violation of this section.

Employment
during school
hours.

Certificates.

Sec. 2. No child under the age of fifteen years shall be employed for any purpose by any corporation, person or association of persons in this State during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation, company or person employing any such child shall keep such certificate on file so long as such child is employed by him, her or it. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section.

Violations.

Sec. 3. Any person violating any of the provisions of either of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act, to a justice of the peace or to a judge of the superior court.

Enforcement.

Sec. 4. * * * The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops, or other places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of this act. * * * The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of this act, and shall otherwise discharge the duties prescribed in this act, and shall perform such other services as the superintendent of schools or the board of directors may deem necessary. * * *

Approved March 11, 1909.

CHAPTER 117.—*Mine regulations.*

Maps.

SECTION 1. Section 1 of an act entitled, An act relating to the proper ventilation and safety of coal mines, and prescribing the manner of appointment of inspectors, approved March 5, 1891, is hereby amended to read as follows: Section 1. (a) The operator of every coal mine in this State shall make, or cause to be made, an accurate map or plan on tracing linen of such mine, drawn to a scale not smaller than one hundred feet to the inch, and as much larger as practicable, on which shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

(b) Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine, and all section or quarter-section lines or corners within the same; the lines of town lots and streets; the tracks and side tracks of all railroads and the location of all wagon roads, rivers, streams, ponds, buildings, landmarks and principal objects on the surface.

(c) For the underground workings said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and crosscuts; the location of the fan and the direction of the air

currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the boundary line of any surface outcrop of the seam.

(d) A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam worked in any mine, and the maps of all such seams shall show all shafts, inclined planes or other passageways connecting the same.

(e) A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn on transparent cloth or paper, so that it can be laid upon the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine.

(f) Each map shall also show by profile drawing and measurements, in feet and decimals thereof, the rise and dip of the seam from the bottom of the shaft, slope or drift in either direction to the face of the workings.

(g) The original or true copies of all such maps shall be kept in the office of the mine, and the true copies thereof shall also be furnished to the state inspector of mines. The maps so delivered to the inspector shall be the property of the State, and shall remain in the custody of the said inspector during his term of office, and be delivered by him to his successor in office; they shall be kept at the office of the inspector, and be open to the examination of all persons interested in the same, but such examination shall be made only in the presence of the inspector, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property.

Copies to be furnished.

(h) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July first of every year, and the results of said survey, with the date thereof, shall be promptly and accurately entered upon the original maps and all copies of the same, so as to show all changes in plan or new work in the mine, and all extensions of the old workings to the most advanced face or boundary of such workings, which have been made since the last preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the said inspector.

Extensions.

(i) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey of all parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine, and their exact relation to the boundary or section lines on the surface.

Closing mines.

(j) The state inspector of mines may order a survey to be made of the workings of any mine, and the results to be extended.

Orders for surveys.

SEC. 2. Section 2 of said act is hereby amended to read as follows: Sec. 2. Whenever an operator of any mine shall neglect or refuse or for any cause not satisfactory to the mine inspector fail for the period of three months to furnish said inspector the map or plan of such mine, or a copy thereof, or of the extensions thereto as provided for in section 1 of this act, such operator shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, and shall stand committed to the county jail until such fine is fully paid, and in addition thereto the inspector is hereby authorized to make or cause to be made an accurate plan or map of such mine at the cost of the owner thereof, and the cost of the same may be recovered from the operator in an action at law brought in the name of the inspector for his use.

Failure to furnish map.

SEC. 3. Section 4 of said act is hereby amended to read as follows: Sec. 4. All escapement shafts shall be equipped with stairways or ladders having landing places or platforms at reasonable distances apart, as in the judgment of the mine inspector they

Provisions for exit.

Inspections.

should be constructed for easy traveling, or, in lieu thereof, such hoisting apparatus as will enable the employees in the mine to make safe and speedy exit in case of danger. The escapement shaft, ropes and machinery used for hoisting or lowering employees out of or into said mine shall be kept in a safe condition and inspected at least once in each twenty-four (24) hours by a competent person employed in whole or in part for that purpose and a record of such examination shall be entered by the person making the same in a book to be kept at the mine for that purpose and said book must always be produced for examination at the request of the inspector. At all points where the passageway to the escapement shaft and other places of exit is intersected by other roadways or entries, conspicuous signboards, subject to the approval of the state mine inspector, shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

Employment of women and children.

SEC. 4. Section 12 of said act is hereby amended to read as follows: SEC. 12. No boy under the age of sixteen years and no female of any age shall be employed or permitted to be in any mine for the purpose of employment therein, nor shall a boy under the age of fourteen years be employed or permitted to be in or about the outside structures or workings or [of] the colliery for the purpose of employment: *Provided*, That this prohibition shall not affect the employment of boys of suitable age in an office or in the performance of clerical work at the colliery. When an employer is in doubt as to the age of any boy applying for employment in or about a mine or colliery, he shall demand and receive proof of the age of such boy by certificate from the parents or guardian of such boy before he shall be employed.

Approved March 13, 1909.

CHAPTER 134.—Protection of workmen as members of the national guard.

Interference with employment.

SECTION 67. A person, who either by himself, or with another, willfully deprives a member of the national guard of his employment or prevents, by himself or another such member being employed, or obstructs or annoys said member of said national guard or his employer in his trade, business or employment, because said member of said national guard is such member or dissuades any person from enlisting in said national guard by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding \$100, or imprisoned in the county jail not more than thirty days or shall suffer both fine and imprisonment.

Excluding from associations.

SEC. 68. No club, society, association, corporation or organization shall by any constitution, rule, by-law, resolution, vote or regulation, or otherwise, discriminate against any member of the National Guard of Washington because of his membership in said national guard, in respect to the eligibility of such national guardsman to membership in such club, society, association, corporation or organization, or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organization violating or aiding, abetting or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding \$100 or imprisoned in the county jail for a period not exceeding thirty days, or shall suffer both such fine and imprisonment.

Not to be discharged.

SEC. 69. No member of the national guard shall be discharged by his employer by reason of the performance of any military duties upon which he may be ordered. When any member of the national guard is ordered upon duty which takes him from his employment he may apply upon the termination of such duty to be restored to his position and employment, and if the tour of

duty shall have continued for a period not longer than [three] months, any employer or the officer or other manager of any firm or corporation having authority to reemploy such national guardsman and failing so to do shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding \$300, or imprisoned in the county jail for a period not exceeding ninety days, or shall suffer both such fine and imprisonment.

Approved March 15, 1909.

CHAPTER 220.—Hours of labor of employees in mines.

SECTION 1. It shall be unlawful for any person, firm, or corporation operating any coal mine, within the State of Washington, to cause any employee to remain at his place of work, where the same is situated underground, for more than eight (8) hours, exclusive of one-half ($\frac{1}{2}$) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person, firm or corporation, or the agent of any person, firm or corporation, violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10) or more than one hundred dollars (\$100) for each offense.

Eight hours
a day's labor.

SEC. 2. It shall be unlawful for any person in the employ of any person, firm, or corporation operating any coal mine, within the State of Washington, to willfully remain at, or in his working place, where the same shall be underground, to exceed eight (8) hours, exclusive of one-half ($\frac{1}{2}$) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars (\$5) or more than twenty dollars (\$20) for each offense.

Remaining at
working place.

SEC. 3. The provisions of this act shall not apply to, or prohibit engineers, rope riders, motormen, cagers, or others necessarily employed in transporting men in and out of the mine: *Provided, however,* That all persons so employed shall not work more than ten (10) hours in any one calendar day: *And provided further,* That this act shall not be construed to prohibit extra hours of employment underground, necessitated by a weekly change of shift, or where rendered necessary by reason of any accident, or for the purpose of making unavoidable repairs, or for the protection of property or human life.

Exemptions.

Ten-hour day.

SEC. 4. It shall be the duty of the state inspector of coal mines to enforce the provisions of this act.

Enforcement.

Approved March 20, 1909.

CHAPTER 227.—Bureau of labor—Female assistant commissioner.

SECTION 1. The commissioner of labor shall appoint one female as assistant commissioner of labor and such female assistant shall have charge, under the direction of the commissioner of labor, of the enforcement of all laws relating to the health, sanitary conditions, surroundings, hours of labor and all other laws affecting the employment of female wage-earners. She shall receive a salary of twelve hundred dollars per annum and shall be allowed her actual and necessary expenses in the performance of her duties as such assistant. Such salary and expenses to be paid in the same manner as other expenses of the office of commissioner of labor.

Female as-
sistant to be
appointed.

Approved March 20, 1909.

CHAPTER 249.—Conspiracy against workingmen.

SECTION 130 Conspiracy.

Whenever two or more persons shall conspire—

Interference
with employ-
ment.

* * * * *

To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intima-

tion, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

* * * * *

Evidence.

Every such person shall be guilty of a gross misdemeanor. SECTION 131. In any proceeding for [a] violation of section 130 of this act, it shall [not] be necessary to prove that any overt act was done in pursuance of such unlawful conspiracy or combination.

Approved March 22, 1909.

CHAPTER 249.—*Kidnaping—Holding for service.*

Definition.

SECTION 158. Every person who shall willfully—

1. Seize, confine, or inveigle another with intent to cause him without authority of law to be secretly confined or imprisoned, or in any way held to service, * * *

* * * * *

Penalty.

Shall be guilty of kidnaping, and punished by imprisonment in the state penitentiary for not less than ten years.

Selling services.

SEC. 159. Every person, who within this State or elsewhere, shall sell or in any manner transfer for any term, the services or labor of any person who has been forcibly taken, inveigled, or kidnaped in or from this State, shall be punished by imprisonment in the state penitentiary for not more than ten years.

Approved March 22, 1909.

CHAPTER 249.—*Employment of children—Certain occupations forbidden—Age limit.*

Mendicant, etc., occupations.

SECTION 194. Every person who shall employ, or cause to be employed, exhibit or have in his custody for exhibition or employment any minor actually or apparently under the age of eighteen years; and every parent, relative, guardian, employer or other person having the care, custody, or control of any such minor, who shall in any way procure or consent to the employment of such minor—

1. In begging, receiving alms, or in any mendicant occupation; or,

2. In any indecent or immoral exhibition or practice; or,

3. In any practice or exhibition dangerous or injurious to life, limb, health or morals; or,

4. As a messenger for delivering letters, telegrams, packages or bundles, to any known house of prostitution or assignation;

Shall be guilty of a misdemeanor.

Permits required, when.

SEC. 195. Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any male child under the age of fourteen years or any female child under the age of sixteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

Approved March 22, 1909.

CHAPTER 249.—*Sunday labor.*

Sunday labor prohibited.

SECTION 242. Every person * * * who shall conduct or carry on, or perform or employ any labor about any trade or manufacture, except livery stables, garages and works of necessity or charity conducted in an orderly manner so as not to interfere with the repose and religious liberty of the community

Proviso.

* * * shall be guilty of a misdemeanor: *Provided*, That meals, without intoxicating liquors, may be served on the premises or

elsewhere by caterers, and prepared tobacco, milk, fruit, confectionery, newspapers, magazines, medical and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for the good order or health or comfort of a community; but keeping open a barber shop, shaving or cutting hair shall not be deemed a work of necessity or charity, and nothing in this section shall be construed to permit the sale of uncooked meats, groceries, clothing, boots or shoes.

SEC. 244. It shall be a sufficient defense to a prosecution for performing work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as [will] not disturb others in the observance of the Sabbath. Observance of other day.

Approved March 22, 1909.

CHAPTER 249.—*Employees of common carriers—Illiteracy—Negligence.*

SECTION 274. Every person who, as an officer of a corporation or otherwise, shall knowingly employ as an engineer or engine driver, to run a locomotive or train on any railway, any person who can not read time tables and ordinary handwriting; and every person who, being unable to read time tables and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor. Employing illiterate persons.

SEC. 275. Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagman or signalman, or person having charge of stations, starting, regulating or running trains upon a railway, or person employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public street, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor. Intoxication of employees.

SEC. 277. Every engineer, motorman, gripman, conductor, brakeman, switch tender, train dispatcher or other officer, agent or servant of any railway company, who shall be guilty of any willful violation or omission of his duty as such officer, agent or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor. Endangering human life.

SEC. 280. Every person who shall apply, or cause to be applied to a steam boiler a higher pressure of steam than is allowed by law, or by any inspector, officer or person authorized to limit the same; every captain or other person having charge of the machinery or boiler in a steamboat used for the conveyance of passengers on the waters of this State, who, from ignorance or gross neglect, or for the purpose of increasing the speed of such boat, shall create or cause to be created an undue or unsafe pressure of steam; and every engineer or other person having charge of a steam boiler, steam engine or other apparatus for generating or employing steam, who shall willfully or from ignorance or gross neglect, create or allow to be created such an undue quantity of steam as to burst the boiler, engine or apparatus, or cause any other accident, whereby human life is endangered, shall be guilty of a gross misdemeanor. Exceeding limit of steam pressure.

SEC. 281. Every person who shall willfully and maliciously, either alone or in combination with others, break a contract of service or employment, knowing or having reasonable cause to believe that the consequence of his so doing will be to endanger human life or cause grievous bodily injury, or to expose valuable property to destruction or serious injury, shall be guilty of a misdemeanor. Breaking contract, endangering life.

Approved March 22, 1909.

CHAPTER 249.—*Contractors withholding wages—Larceny.*Application
of law.

SECTION 352. Every person having entered into a contract to supply any labor or materials for the value or price of which any lien might lawfully be filed upon the property of another, who shall receive the full price or consideration thereof, or the amount of any account stated thereon, shall be deemed within the meaning of section 349 [defining larceny], subdivision 3, of this act, to receive the same as the agent of the party with whom such contract was made, his successor or assign, for the purpose of paying all claims for labor and materials supplied.

Approved March 22, 1909.

CHAPTER 249.—*Coercion of workmen—Interference with employment.*Interference
by—

SECTION 362. Every person who, with intent to compel another to do or abstain from doing an act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully—

* * * * *

Depriving of
tools, etc.

2. Deprive such person of any tool, implement or clothing, or hinder him in the use thereof; or

Intimidation.

3. Attempt to intimidate such person by threats or force, Shall be guilty of a misdemeanor.

Approved March 22, 1909.

CHAPTER 249.—*Private employment offices—Fraud.*Making false
statements.

SECTION 372. Every employment agent or broker who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof or the wages to be paid therefor, shall be guilty of a misdemeanor.

Approved March 22, 1909.

CHAPTER 249.—*Bribery of labor agents, employees, etc.—Tippling.*Giving gra-
tuities.

SECTION 424. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any duly constituted representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, shall be guilty of a gross misdemeanor.

Agents of la-
bor organiza-
tions asking
gratuities.

SEC. 425. Every person who, being the duly constituted representative of a labor organization, shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that any of his acts, decisions or other duties as such representative, or any act to prevent or cause a strike of the employees of any person or corporation shall be influenced thereby, shall be guilty of a gross misdemeanor.

Bribing
agents of labor
organizations.

SEC. 426. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any agent, employee or servant of any person or corporation, with intent to influence his action in relation to his principal's, employer's or master's business, shall be guilty of a gross misdemeanor.

Employees
asking gratul-
ties.

SEC. 427. Every agent, employee or servant of any person or corporation who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that he shall act in any particular manner in connection with his principal's, employer's or mas-

ter's business; or who, being authorized to purchase or contract for materials, supplies or other articles or to employ servants or labor for his principal, employer or master, shall ask or receive, directly or indirectly, for himself or another, a commission, discount, bonus or promise thereof from any person with whom he may deal in relation to such matters, shall be guilty of a gross misdemeanor.

SEC. 439. Every employee of a public house or public service corporation who shall solicit or receive any gratuity from any Waiters.
 guest shall be guilty of a misdemeanor.

SEC. 440. Every person giving any such gratuity mentioned in Tipping.
 section 439 shall be guilty of a misdemeanor.

Approved March 22, 1909.

WEST VIRGINIA.

ACTS OF 1909.

CHAPTER 74.—*Protection of employees on street railways.*

SECTION 1. Chapter eight of the acts of one thousand nine hundred and one, entitled: "An act making provisions for the protection of street-car employees from the inclemencies of the weather," [shall] be amended and reenacted so as to read as follows:

Section 1. From and after the first day of November, in the year of our Lord one thousand nine hundred and nine, it shall be unlawful for any person, partnership or corporation, owning or operating a street railway in this State, or for any officer or agent thereof having charge or control of the management of such line of railway, or the cars thereof operating electric, cable or other cars propelled either by steam, cable or electricity, which requires the constant services, care or attention of any person or persons upon the platforms of any such car, to require or permit such services, attention or care, of any of its employees, or any other person or persons, unless such person, partnership or corporation, its officers or superintending or managing agents, have first provided the platforms of said cars with a proper and sufficient enclosure constructed of wood, iron, glass or similar suitable material, sufficient to protect such employees from exposure to the winds and inclemencies of the weather. Inclosed vestibules.

Sec. 2. And any person, partnership or corporation, owning, operating, superintending or managing any such line of street railway, or managing or superintending officer or agent thereof, who shall be found guilty of a violation of the provisions of this act, shall be found guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars. Each day that said person or persons, partnership or corporation, cause any of their said employees to operate such car or cars in violation of the aforesaid provisions of this act, or cause a car or cars to be used or operated in violation of this act, shall be deemed a separate offense: *Provided*, That the provisions of this act shall not apply to cars used and known as trailing cars. Violations.

Sec. 3. It is hereby made the duty of the prosecuting attorney of the county in which any such street railway is situated and operated, upon information given him by any creditable person or persons, or upon knowledge that he may possess, that any person, partnership or corporation, has violated any of the provisions of this act, to promptly prosecute such person, members of such partnership or corporation, for such violation. Enforcement.

Approved by the governor February 19, 1909.

WISCONSIN.

ACTS OF 1909.

[Arranged under section numbers as of Annotated Statutes of 1898.]

Fire escapes on factories.

Required on what buildings. SECTION 1636-4. Every person or corporation owning, occupying, or controlling any building now or hereafter used, in whole or in part, as a public building, * * * and every factory, workshop or other structure three or more stories high, in which ten or more persons are employed above the ground floor, at any kind of labor, shall provide and keep connected with the same one or more good and substantial metallic or fireproof ladders, stairs or stairways, ready for use at all times, reaching from the cornice to the top of the first story and placed on the outside thereof in such position and number as may be designated by the chief of the fire department or fire marshal of the city or village in which such structure is situated, or by the state

Construction. factory inspector, and at each story above the first a wrought-iron balcony in connection with such ladder, such balcony to be substantially attached to the structure, and of such length as to permit of access to it from two or more windows on each story, and of sufficient size to furnish reasonable means of escape to the persons therein from each and every floor or story above the first; and in all cities and villages where there is a water supply, either from waterworks, fire engines, or pumping station, there shall be attached to such fire escapes, except on structures

Standpipes. equipped with automatic sprinklers, a three-inch wrought-iron standpipe extending from a point within five feet from the ground to a point three feet above the roof or cornice, and on the roof shall be attached a two and one-half inch angle hose valve, with male hose connection and a double or Siamese "Y" female hose connection at the base of the pipe, the threads of which shall conform to the size and pattern used by the fire department where the structure is located. Any such person or corporation who shall fail, for three months after the receipt of notice in writing, stating the substance of the provisions of this section, from such chief, marshal, or inspector to provide and keep such means of escape or such standpipe shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than thirty days.

Inspection of bakeries.

Sanitation. [SECTION 1636-61 is amended by striking out the prohibition as to the construction of a floor in bakery and confectionery establishments more than eight feet below the level of a street, sidewalk, or adjacent ground. Painting once in two years and scrubbing once in six months is directed as an alternative to the white-washing of the walls and ceiling once in six months. In the second subdivision the handling of, caring for, and the preparation of food in an unclean manner is prohibited.]

Protection of employees on buildings.

Protective floors. [SECTION 1636-83 is amended by requiring protective floors in fireproof construction to be kept within one tier of beams of the place of work instead of three, as before; and in other construction, within one story instead of two.]

Guards for dangerous machinery—Corn shredders.

Guards required. SECTION 1636-131. No person, firm or corporation shall sell, offer or expose for sale any machine to be operated by steam or

other power, for the purpose of husking or shredding corn or corn-stalks unless the said machine shall be provided with reasonable safety devices for the protection from accidents from the snapping rollers and husking rollers, and shall be so guarded that the person feeding said machine shall be compelled to stand at a reasonably safe distance from the snapping rollers.

SEC. 1636-131m. No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to the passage and publication of this act unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operation and use of the same. Competent oversight required.

SEC. 1635-134 [1636-134]. Any such person, firm or corporation who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for each offense. Violations.

Guards for dangerous machinery—Wood-sawing machines.

SECTION 1636-136. No person, firm or corporation shall offer or expose for sale any machine for the purpose of sawing wood unless [unless] the said machine shall be provided with reasonable safety devices for the protection from accidents from saws, gears, knuckles, belts, set screws or other dangerous parts. Guards required.

SEC. 1636-137. It shall be unlawful for any person, firm or corporation owning such machine to use, operate or permit to be used or operated any such machine while the safety devices or guards are detached. Not to be detached while in use.

SEC. 1636-138. Any such person, firm or corporation who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense. Violations.

SEC. 1636-139. Upon complaint to the commissioner of labor, factory inspector or assistant inspector, it shall be his duty to enforce the provisions of this act. Enforcement.

Safety appliances on street railways.

SECTION 1636q. 1. Every person, partnership, or corporation owning or operating a street or interurban car line shall provide and equip each and every motor car weighing over forty thousand pounds net or empty weight, used for the transportation of passengers or freight, and added to the service from and after the passage of this act, with air brakes of modern design, to be approved by the railroad commission. What cars to have brakes.

2. Nothing herein contained shall limit or restrict the power of the railroad commission to order air brakes upon other cars. Construction of act.

3. Any such corporation neglecting or refusing to comply with any of the foregoing provisions shall forfeit and pay a penalty to the State of not less than twenty-five dollars nor more than one hundred dollars, and each day's operation of one or more cars in violation of this act shall be considered a separate offense. Violations.

Employment of children—General provisions.

[SECTION 1728a, subdivision 1, is amended by inserting the words "or at any gainful occupation, directly or indirectly," following the list of occupations for which a permit must be obtained. A provision is inserted requiring a written and signed recommendation of the school principal where the child attended school or the clerk of the board of education of the district, if there was no principal, before an employment certificate can be issued. The words "register of probate" are stricken out wherever they occurred in subdivisions 1, 4, 5 and 6. The exemption in subdivision 4, covering farming or other outdoor occupation not dangerous to life or limb, is amended by striking out all after the word "farming."] Permits required for employment.

Farming excepted.

- Public per- formances.** SEC. 1728a—1 is amended so as to prohibit singing or performing in a circus, theatrical exhibition, etc., except on the permission already provided for in the law. The words "for pay" are stricken out, and nonresident children are required to secure the same permit as are children who are residents of the State.
- Enforcement.** SEC. 1728b is amended by naming in the first subdivision the truant officer as one of the persons to whom the register of children employed must be open for inspection. The words "or register of probate" are stricken out in the last line of this section.
- Perishable goods.** SEC. 1728c, prohibiting night work, is amended by striking out the words "except in cases where it is necessary to save perishable goods from serious damage." The proviso as to children carrying newspapers permits such employment between the hours of three-thirty and seven p. m. for children from twelve to sixteen years of age, and between the hours of four-thirty and seven a. m. for children between fourteen and sixteen years of age.
- Delivery of newspapers.** SEC. 1728d is amended by the addition of truant officers to the force that is authorized to visit and inspect places where children are employed. The factory inspector and assistant factory inspector are also given the power of truant officers for the enforcement of the laws relating to school attendance. This group of officials is charged with the enforcement of all the statutes of the State regulating or relative to child labor.
- What are factories, etc.** SEC. 1728g is amended by striking out all after the word "wages" in the last line but one.
- Hindering of officers.** SEC. 1728h is amended by inserting the words "or truant officers" after the words "assistant factory inspectors." The second subdivision of this section is amended by striking out the word "above" in the second line.
- Parents not to permit employment.** SEC. 1728i is amended by inserting the words "at any gainful occupation directly or indirectly," after the word "employed" in the second line.]

Employment of children in street trades.

- Selling newspapers.** SECTION 1728p. No boy under the age of ten years and no girl under the age of sixteen years shall in any city of the first class distribute, sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place.
- Boys in street trades.** SEC. 1728q. No boy under twelve years of age, shall, in any city of the first class, work at any time or be employed or permitted to work at any time as a bootblack or in any other street trade or shall sell or offer any goods or merchandise for sale or distribute handbills or circulars or any other articles, except newspapers, magazines or periodicals as hereinafter provided.
- Girls.** SEC. 1728r. No girl under sixteen years of age shall in any city of the first class work at any time or be employed or permitted to work at any time as a bootblack or at any other street trades or in the distribution of handbills or circulars or any other articles upon the street or from house to house.
- Permits and badges.** SEC. 1728s. No boy under fourteen years of age shall, in any city of the first class, distribute, sell or expose or offer for sale any newspapers, magazines or periodicals in any street or public place or work as a bootblack or in any other street or public trade or sell or offer for sale or distribute any handbills or other articles unless he complies with all the legal requirements concerning school attendance and unless a permit and badge, as hereinafter provided shall have been issued to him by the state factory inspector, or assistant factory inspector, or the county judge, municipal judge, or judge of a juvenile court of the county where such child resides. No such permit and badge shall be issued until the officer issuing the same shall have received an application in writing therefor signed by the parent or guardian or other person having the custody of the child desiring such permit and badge and until such officer shall have received, examined and placed on file the written statement of the principal or chief executive officer of the public, private or parochial school which

the said child is attending, stating that such child is an attendant at such school with the grade such child shall have attained and provided that no such permit and badge shall be issued unless such officer issuing it is satisfied that such child is mentally and physically able to do such work besides his regular school work as required by law: *And provided further*, That in case of the illness or absence of any boy, who shall belong to the regular delivery or distributing force of any newspaper at the time when such delivery or distribution of newspapers is to be made, if there shall be no other boy, who has a permit and badge, as provided herein, ready to make the delivery and distribution, such delivery and distribution may be made for a period which shall not exceed seven days, by any other boy over the age of ten years, who shall have complied with all the other requirements of this act, but who has not obtained a permit and badge as required herein, upon written authority signed by the circulation or business manager of such newspaper or their authorized representative.

SEC. 1728t. Before any such permit shall be issued, the said Evidence. state factory inspector, assistant factory inspector, or the county judge, municipal judge, or judge of a juvenile court of the county where such child resides, shall demand and be furnished with proof of such child's age by the production of a verified baptismal certificate or a duly attested birth certificate or, in case such certificates can not be secured, by the record of age stated in the first school enrollment of such child, and, if such proof does not exist or can not be secured, then by the production of such other proof as may be satisfactory to the officer granting said permit. Whenever it appears that a permit was obtained by wrong or false statements as to any child's age, the officer who granted such permit shall forthwith revoke the same. After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge. The principal or chief executive officer of schools in which children under fourteen years of age are pupils shall keep a complete list of all children in their school to whom a permit and badge has been issued, as herein provided.

SEC. 1728u. Such permit shall state the place and date of birth of the child, the name and address of its parent, guardian, custodian or next friend as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. Permit to state, what.

SEC. 1728v. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any person nor be engaged in any city of the first class as a newsboy, or distribute, sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place or be employed as a bootblack or in any street trade or distribute handbills without having conspicuously upon his person such badge, and he shall exhibit such badge upon demand at any time to any factory inspector and to any police or truancy officer. Badge to be displayed.

SEC. 1728w. No boy under fourteen years of age shall, in any city of the first class, sell, expose or offer for sale any newspapers, Night employment. magazines or periodicals after the hour of ten o'clock in the evening, or before six o'clock in the morning; and no such boy shall be employed as a bootblack or in any other street trades or distribute handbills between the hours of seven o'clock in the

evening or before the hour of seven in the morning, and no child under fourteen years of age shall distribute, sell, expose or offer for sale any newspapers, magazines or periodicals or shall work as a bootblack or in any street or public trades or distribute handbills or shall be employed or permitted to work in the distribution or sale or exposing or offering for sale of any newspapers, magazines or periodicals or as a bootblack or in other street or public trades or in the distribution of handbills during the hours when the public schools of the city where such child shall reside are in session: *Provided*, That a permit and badge may be issued under the terms of this act to any boy between the ages of fourteen and sixteen years, who is complying and shall continue to comply with all the legal requirements concerning school attendance and who is mentally and physically able to do such distribution besides his regular school work, authorizing him to distribute newspapers between the hours of four and six in the morning.

Enforcement. Sec. 1728x. In cities of the first class police officers, state factory inspectors or assistant factory inspectors and truant officers of the school board or other attendance officers, appointed by the school board and probation officers of the juvenile court shall enforce the provisions of this law and are hereby vested with all powers requisite therefor.

Revocation of permit. Sec. 1728y. The permit of any child, who shall in any city of the first class distribute, sell or offer for sale any newspapers, magazines or periodicals in any street or public place or work as a bootblack or in any other street trade, or sell or offer for sale or distribute any handbills or other articles in violation of the provisions of this act, shall forthwith be revoked for a period of six months and his badge taken from said child. The refusal of any child to surrender such permit, and the distribution, sale or offering for sale of newspapers, magazines or periodicals or any goods or merchandise or the working by such child as a bootblack or in any other street or public trade or in distributing handbills or other articles, after notice, by any officer authorized to grant permits under this law of the revocation of such permit and a demand for the return of the badge, shall be deemed a violation of this act. The permit of said child may also be revoked by the officer who issued such permit, and the badge taken from such child, upon the complaint of any police officer or other attendance officer or probation officer of a juvenile court and such child shall surrender his permit and badge upon the demand of any police officer, truancy or other attendance officer or probation officer of a juvenile court or other officer charged with the duty of enforcing this act. In case of a second violation of this act by any child, he shall be brought before the juvenile court, if there shall be any juvenile court in the city where such child resides or, if not, before any court or magistrate having jurisdiction of offenses committed by minors and be dealt with according to law.

Second violations.

Proof of age. Sec. 1728z. When in any proceeding in any court under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed with the court. In case neither of such certificates can be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

School attendance. Sec. 1728za. Providing that no badge shall be issued for a boy selling papers between the ages of ten and fourteen years by the state factory inspector except upon certificate of the principal of either public, parochial or other private school attended by said boy stating and setting forth that said boy is a regular attendant upon said school. No boy under the age of fourteen years shall be permitted by any newspaper publisher or printer or persons having for sale newspapers, or periodicals of any character, to loiter or remain around any salesroom, assembly room, circulation room or office for the sale of newspapers between the

Loitering.

hours of nine in the forenoon and three in the afternoon on days when school is in session. Any newspaper publisher, printer, circulation agent or seller of newspapers shall upon conviction for permitting newsboys to loiter or hang around any assembly room, circulation room, sales room or office where papers are sold be punishable by a fine not to exceed one hundred dollars nor less than twenty-five dollars or by commitment to the county jail for not more than sixty days or less than ten days.

Day of rest for firemen in fire departments—Cities of the second and third class.

SECTION 1729a-10. Each fireman in fire departments in all cities of the second and third class in this State having a population of thirty thousand or more shall be off duty at least one continuous twenty-four hour period in each seven days. Proper arrangements shall be made by the chiefs of such departments to carry out the provisions of this act. No fireman shall leave the city without written permission from the chief. Full day each week.

Hours of labor of employees on public works.

SECTION 1729m. Each and every contract hereafter made for the erection, construction, remodeling or repairing of any public building or works, to which the State or any officer or agent thereof is a party, which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor, agent or other person, doing or contracting to do all or a part of the work contemplated by the contract, shall be permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies: *Provided, however,* That this section shall apply only to such work as is actually performed on the premises on which such buildings or works are being erected, constructed, remodeled or repaired. Contract to fix limit.

SEC. 1729n. Any officer or agent of the State of Wisconsin or any contractor, subcontractor or agent thereof, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment. Violations.

Railroads—Construction of cabooses.

SECTION 1806m. 1. On and after July 1st, 1910, it shall be unlawful for any person, corporation, or company, operating any railroad or railway in the State of Wisconsin to require or permit the use of any caboose cars unless said caboose cars shall be equipped with at least two regulation four-wheeled trucks except on trains used exclusively for hauling logs. Two double trucks required.

2. Any person, corporation or company operating any railroad or railway in the State of Wisconsin violating any of the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense. Violation.

3. It shall be the duty of the railroad commission of Wisconsin to enforce this act. Enforcement.

Insurance—Industrial sickness and accident policies.

SECTION 1950d. 1. Policies of industrial insurance on which the premiums are payable monthly or oftener shall be valued to produce reserves not less than those computed on the "Standard Industrial Mortality Table" and the "Substandard Industrial Mortality Table" based on the experience of the Metropolitan Life Valuation for reserves.

Insurance Company, with interest at three and one-half per centum per annum.

Annuities.

2. Annuities shall be valued to produce reserves not less than those computed on "McClintock's Tables of Mortality among Annuitants," with interest at three and one-half per centum per annum: *Provided*, That any table not exhibiting at any age a higher death rate than that shown at the corresponding age and duration by the "British Offices Annuity Tables 1893," may be used. Annuities granted in any policy of life insurance may be valued in like manner except that annuities deferred for ten years or more may be valued on the table of mortality used for computing the premiums.

Sickness Insurance.

3. The reserves computed on policies insuring against disability because of sickness or accident shall not be less than those determined according to the "British Friendly Society Table 1876 to 1880," with interest at three and one-half per centum per annum. The commissioner may vary the standards in cases where the use of such table is impracticable, and may also require additional reserves in case of hazardous occupations.

Law takes effect, when.

4. This section shall not apply to any policies issued prior to 1907.

Attorneys' fees in suits for wages.

SECTION 3775.

* * * *

Fee allowed, when.

5. In actions for work and labor an attorney's fee of five dollars on any amount recovered under fifty dollars when the plaintiff appears by an attorney of record, whether or not the defendant has appeared, but no such fee shall be taxed if defendant prevails in the suit.

Inspection of factories, etc.—Doors to open outwardly.

What buildings included. Exits.

SECTION 4390. Every building now or hereafter used, in whole or in part, as a * * * factory or workshop, * * * or office building, must be provided with exits having doors that open or swing outward, whether such doors are outer doors or open upon vestibules or stairways, and when storm doors are use [used] at the entrance of any such building, either inside or outside, said storm doors, shall have a glass therein, not less than fifteen inches square. Any owner, tenant, corporation, person or persons in charge of any of the above-named buildings who shall fail to comply with this section or any architect who shall prepare plans for any building which is required by this section to be provided with such doors without providing in such plans for the same shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail not longer than ninety days. The provisions of this act shall not apply to rural school buildings of but one story in height.

Sunday labor.

Barbering.

SECTION 4595. [New enactment provides that barbering is not to be deemed a work of necessity or charity.]

CHAPTER 343 (Uncodified).—*Bureau of labor—Statistics of unemployment.*

Statistics to be collected.

SECTION 1. It is the duty of the bureau of labor and industrial statistics to collect and publish all available facts relating to the unemployed of this State with a view of determining the general condition of those out of employment, and more especially to determine (1) the number out of employment; (2) the period during which each of said number have been without employment; (3) the status of the unemployed, married or single; (4) the effect of said unemployment upon earnings; (5) the morals

and criminal tendency of the unemployed; (6) the causes of such unemployment; and (7) generally the causes leading to the result emanating from the conditions so ascertained to exist.

Approved June 10, 1909.

WYOMING.

ACTS OF 1909.

CHAPTER 17.—*Hours of labor of employees in mines, etc.*

SECTION 1. The period of employment of workingmen in all underground mines or workings shall be eight (8) hours per day, except in case of emergency where life or property is in imminent danger. Limit of eight hours in mines.

SEC. 2. The period of employment of workingmen in smelters, stamp mills, sampling works, concentrates and all other institutions for the reduction of ores, and refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger. Smelters, etc.

SEC. 3. Any person or persons, body corporate, agent, manager or employer who shall violate any of the provisions of section one (1) or two (2) of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense, be subject to a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one (1) month or more than six (6) months or by both such fine and imprisonment. Violations.

Approved February 13th, 1909.

CHAPTER 25.—*Mine regulations—Ventilation.*

[The first section of this act amends section 6 of chapter 23, Acts of 1903, as amended by chapter 61, Acts of 1905, by adding the following sentence:

All crosscuts in rooms and entries, except the one nearest to the working face, shall be sealed in such manner that the air current shall be directed across the working place.] Sealing cross-cuts.

SEC. 2. Any person or persons, or association of persons, or corporation or agent, lessee or owner of any coal mine in this State, or any fire boss or miner who shall violate any of the provisions of this act, shall upon conviction thereof, be fined in any sum not less than two hundred dollars, nor more than five hundred dollars for each offense. Violations.

Approved February 16th, 1909.

CHAPTER 32.—*Mines, smelters, etc.—Intoxicated persons—Bringing in intoxicants.*

SECTION 1. Section 1, chapter 58, of the Session Laws of Wyoming, 1905, is hereby amended and reenacted so as to read as follows:

Section 1. Whoever shall, while under the influence of intoxicating liquor, enter any mine, smelter, metallurgical works, machine shops or sawmills, or any of the buildings connected with the operation of the same in Wyoming where miners or workmen are employed or whoever shall carry or haul any intoxicating liquor into the same or any logging or grading camp shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars to which may be added imprisonment in the county jail for a term not exceeding one year. Acts forbidden.

Approved February 17th, 1909.

CHAPTER 58.—*Inspectors of coal mines—Reports.*

Annual reports.

SECTION 1. Each state inspector of coal mines in this State shall make an annual report to the governor on the first Monday in December of each year, containing the substance of the matters embodied in his quarterly reports now provided for by law, and setting forth fully the number of fatal and nonfatal accidents occurring within his jurisdiction, the name of the mine and its location, the names of all persons injured and killed thereby, the nature and causes thereof and such recommendations as he may suggest that would prevent such accidents in the future; and such report shall contain statistical and other information which may tend to promote the development of the coal mining resources of this State and afford a better knowledge of the proper method in mining, blasting and handling of coal, in order that those engaged in the coal mining industry may be informed fully of methods that may secure their safety.

Accidents.

Distribution.

SEC. 2. The governor shall cause a sufficient number of such reports to be published directly after receiving the same in order to supply coal mine operators, coal miners and the public generally, who shall be furnished such reports upon application therefor without expense; and such report shall be submitted to the legislature following their rendition, by the governor, with such recommendations for legislation thereon as he shall see fit to make.

Violations.

SEC. 3. Any state inspector of coal mines in this State who shall fail to make the annual report required of him in section 1 of this act, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than two hundred and fifty dollars, in the discretion of the court.

Approved February 19th, 1909.

CHAPTER 62.—*Mine regulations—Inspection—Access.*

Inspectors to have access.

SECTION 1. Section 2574 of the Revised Statutes of Wyoming of 1899 [shall] be amended and reenacted so as to read as follows:

Notice of defective conditions.

Section 2574. Any state inspector of coal mines or his deputy or deputies shall have the right to enter at all times any coal mine within his district in this State, or wherever he may lawfully act in said State, to make examination thereof or to obtain information relating to the working of the same, and the owner, lessee or superintendent of such mine shall afford any assistance required by said inspector or his deputy or deputies in making such examination or obtaining such information. Said inspector or his deputy or deputies in making such examination or obtaining such information. [sic] Said inspector or his deputy or deputies shall immediately notify the owner, lessee, superintendent or mining boss of the discovery of any violation of the mining laws of this State, and of the penalty thereby imposed for such violation; and in case such notice is disregarded, such inspector or deputy or deputies shall have power to stop immediately the working and operation of any mine or any part thereof where any dangerous or unlawful conditions are found: *Provided, however,* That where conditions justify him in so doing, he may grant a reasonable length of time for making repairs or for putting such mine in proper condition: *And provided further,* That where any stops or cessation of work are enforced, such inspector or deputy or deputies shall have the power thereafter to allow such mine or part of a mine to be reopened when the dangerous or unlawful conditions therein existing are removed or remedied so that they no longer exist. Every person, company or corporation who willfully obstructs the state inspector of coal mines or his deputy or deputies in the execution of his or their duties under this act, and every owner, agent, officer, lessee or manager of a coal mine who refuses or neglects to fur-

Hindering inspector.

nish to the said inspector or his deputy or deputies the means, information, or opportunity necessary for making any entry, inspection, examination or inquiry of or relating to any coal mine in this State as herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, and not exceeding five hundred dollars at the discretion of the court trying said offender. Every state inspector of coal mines in this State and his deputy or deputies is and are hereby empowered to act as police officers and deputy sheriffs, with full powers to arrest and detain any person found violating any provision of this section, or of any of the coal mining laws of this State, or any part thereof, or who shall be engaged in any attempt to violate such law or laws, or against whom there is found any evidence of a previous violation thereof.

Enforcement.

Approved February 19th, 1909.

CHAPTER 106.—*Mine regulations—Sprinkling dusty places.*

SECTION 1. The owner, lessee or agent or operator of any coal mine whether shaft, slope or drift, shall sprinkle with water at least twice a week all dry and dusty places within said coal mines, and all accumulations of dust shall be loaded up and taken outside of the said mines at least once each month while such mine is in operation: *Provided*, That all accumulations of slack, machine slack, track cleanings and other waste materials incident to coal mining shall be considered as dust within the meaning of this act.

Sprinkling.

Dust to be removed.

SEC. 2. Any person or persons, or association of persons, or corporations or agent, operator, lessee or owner of any coal mine in this State who shall violate any of the provisions of this act shall upon conviction thereof be fined in any sum not less than fifty dollars, nor more than one hundred dollars for each and every offense.

Violations.

Approved February 27th, 1909.

CHAPTER 120.—*Assignments of wages.*

SECTION 1. No assignment of, or order for, wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against an employer of the person making said assignment or order until said assignment or order is accepted in writing by the employer, and said assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making said assignment or order resides, if a resident of this State, or in which he is employed, if not a resident of the Commonwealth.

Employer to accept.

SEC. 2. No such assignment of, or order for, wages to be earned in the future shall be valid, when made by a married man, unless the written consent of his wife to the making of such assignment is attached thereto.

Wife to join.

SEC. 3. National banks and all banking institutions which are under the supervision of the bank examiner shall be exempt from the provisions of this act.

Exemptions.

Approved February 27th, 1909.

CHAPTER 122.—*Inspectors of coal mines—Appointment.*

SECTION 1. Section 1 of chapter 23 of the Session Laws of Wyoming of 1903 [shall] be amended and reenacted so as to read as follows:

Section 1. The governor shall nominate and by and with the consent of the senate appoint two state inspectors of coal mines, who shall hold their respective offices for terms of two years and until their successors are duly appointed and qualified. They shall each have a thorough knowledge of practical mining and mining engineering, neither of whom shall be an employee, owner or part

Governor to appoint.

Qualifications.

owner in any coal mine or coal mining company in the State. Said inspectors shall not be less than thirty (30) years of age, citizens of the United States, and qualified electors of this State, of good repute and temperate habits. The state inspectors of coal mines shall receive an annual salary of two thousand dollars (\$2,000) and actual traveling expenses when in the discharge of their duties, and shall keep their respective offices at some convenient point within the district for which they may be appointed.

To procure
instruments,
etc.

Said inspectors are hereby authorized to procure such instruments, chemical tests and stationery, and to incur such expense of communication from time to time as may be necessary to the discharge of their duties: *Provided*, That such expenses shall not exceed the contingent fund provided for that office, at the cost of the State, subject to the approval of the governor of the State, which shall be paid out of the state treasury upon accounts duly certified by him, audited by the state auditor. All instruments, plans, books, memoranda, notes and other property, pertaining to the offices hereby created, shall be the property of the State and shall be delivered by each inspector to his successor in office, and said inspector shall be allowed all expenses necessarily incurred in enforcing the provisions of this chapter, in the courts of this State when such expenses are certified to be correct by the courts before which the proceedings were heard.

SEC. 2. Section 3 of chapter 23 of the Session Laws of Wyoming of 1903 [shall] be amended and reenacted so as to read as follows:

Bonds.

Section 3. Said inspectors of coal mines shall each, before entering upon the discharge of their duties, give bond in the penal sum of five thousand dollars (\$5,000) to the State of Wyoming with sufficient sureties which bonds shall be conditioned on the faithful discharge of their duties. Each of said inspectors shall devote the whole of his time to the duties of his office. It shall be the duty of each inspector to examine the coal mines within his district not less frequently than once during every three months, and more often if conditions require special examination for the protection of life and property. It shall be the further duty of each inspector to make a detailed report of each examination in writing and to file the same in the office of the governor within one week after making such examination. And each of said inspectors shall make up a general annual written report in detail showing the number of times each mine has been inspected during the year, and file the same in the office of the governor not later than December 1st of each [each] year; it shall be the further duty of each of said inspectors to faithfully execute the provisions of this act, and cause its provisions to be observed and strictly carried out.

Reports.

Repeal.

SEC. 3. Section 9 of chapter 23 of the Session Laws of 1903 be, and the same is hereby repealed.

Approved February 27th, 1909.

UNITED STATES.

ACTS OF 1908-9—SIXTIETH CONGRESS, SECOND SESSION.

CHAPTER 148.—*Foundation for the Promotion of Industrial Peace.*

SECTION 1. Section two of an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," approved March second, nineteen hundred and seven, [shall] be amended so as to read as follows:

[The amendment consists in making the trustees of the establishment members of the "industrial peace committee," in addition to the nine appointees provided for in the original act.

In the third section, the requirement of an annual conference is stricken out, leaving all meetings to be held as the committee may deem advisable, retaining, however, the provision as to holding conferences in case of great industrial crises.]

CHAPTER 179.—*Compensation for injuries to certain employees of the United States—Isthmian Canal.*

SECTION 1. Nothing contained in the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," [chapter 236, Acts of 1907-8], shall prevent the Isthmian Canal Commission, under rules to be fixed by the commission, from granting to its injured employees, whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum: *Provided, however,* That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of the act.

Approved, February 24, 1909.

CHAPTER 244.—*Inspection of steam boilers.*

SECTION 1. Section forty-four hundred and thirty-four, Revised Statutes of the United States, * * * [shall] be amended so that the section as amended shall read as follows:

[The amendment consists in substituting thirty-eight one-hundredths of an inch for thirty one-hundredths for the approved maximum thickness of shell of externally fired boilers on steam vessels navigating the rivers designated. Boilers already in use may be continued in service though not conforming to the requirement of a distance of three inches between the shell and the internal flues.]

CHAPTER 299.—*Rates of wages of employees in the Government Printing Office—Linotype, etc., operators.*

* * * * *

The Public Printer may hereafter, in his discretion, pay printer linotype operators and printer monotype keyboard operators at a rate not exceeding sixty cents per hour: *Provided,* That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees, not receiving annual salaries, not exceeding fifty per centum in addition to the regular rate paid for such work.

Approved, March 4, 1909.

CHAPTER 321.—*Enticement of employees in arsenals or armories.*

SECTION 43. Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both.

Approved, March 4, 1909.

CHAPTER 321.—*Kidnaping to service—Peonage.*

SECTION 268. Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way

knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Peonage.

SEC. 269. Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Obstructing enforcement of act.

SEC. 270. Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding, shall be liable to the penalties therein prescribed.

Importing kidnapped person.

SEC. 271. Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than five thousand dollars and imprisoned not more than five years.

Approved, March 4, 1909.

ACTS OF 1909—SIXTY-FIRST CONGRESS, FIRST SESSION.

CHAPTER 6.—Excise tax on corporations—Labor organizations exempt.

Tax levied.

SECTION 38. Every corporation, joint-stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the Acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company, * * * *Provided, however,* That nothing in this section contained shall apply to labor, * * * organizations, * * *

Exceptions.

Approved August 5, 1909.

CUMULATIVE INDEX OF LABOR LAWS AND DECISIONS RELATING THERETO.

[This index covers the Twenty-second Annual Report of the Commissioner of Labor, which is a compilation of the labor laws, both federal and state, in force at the close of the year 1907; it also covers labor laws subsequently enacted, and published in this Bulletin. Many of the laws contained in the Twenty-second Annual Report are followed by brief notes on the decisions of courts relating to them. Similar decisions reproduced in the Bulletin since the publication of the Twenty-second Annual Report are indexed under the appropriate headings, and are indicated by the letter "D" in parenthesis following the name of the State.]

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DIRECTORY OF BUREAUS OF LABOR IN THE UNITED STATES AND IN FOREIGN COUNTRIES.

State.	Name of bureau.	Title of chief officer.	Location of bureau.
UNITED STATES.			
United States.....	United States Bureau of Labor.....	Commissioner.....	Washington, D. C.
California.....	Bureau of Labor Statistics.....	Commissioner.....	San Francisco.
Colorado.....	Bureau of Labor Statistics.....	Deputy Commissioner.	Denver.
Connecticut.....	Bureau of Labor Statistics.....	Commissioner.....	Hartford.
Idaho.....	Bureau of Immigration, Labor, and Statistics.	Commissioner.....	Boise.
Illinois.....	Bureau of Labor Statistics.....	Secretary.....	Springfield.
Indiana.....	Bureau of Statistics.....	Chief.....	Indianapolis.
Iowa.....	Bureau of Labor Statistics.....	Commissioner.....	Des Moines.
Kansas.....	Bureau of Labor and Industry.....	Commissioner.....	Topeka.
Kentucky.....	Department of Agriculture, Labor, and Statistics.	Commissioner.....	Frankfort.
Louisiana.....	Bureau of Statistics of Labor.....	Commissioner.....	Baton Rouge.
Maine.....	Bureau of Industrial and Labor Sta- tistics.	Commissioner.....	Augusta.
Maryland.....	Bureau of Industrial Statistics.....	Chief.....	Baltimore.
Massachusetts.....	Bureau of Statistics.....	Director.....	Boston.
Michigan.....	Bureau of Labor and Industrial Sta- tistics.	Commissioner.....	Lansing.
Minnesota.....	Bureau of Labor.....	Commissioner.....	St. Paul.
Missouri.....	Bureau of Labor Statistics and In- spection.	Commissioner.....	Jefferson City.
Montana.....	Bureau of Agriculture, Labor, and Industry.	Commissioner.....	Helena.
Nebraska.....	Bureau of Labor and Industrial Sta- tistics.	Deputy Commissioner.	Lincoln.
New Hampshire.....	Bureau of Labor.....	Commissioner.....	Concord.
New Jersey.....	Bureau of Statistics of Labor and In- dustries.	Chief.....	Trenton.
New York.....	Department of Labor.....	Commissioner.....	Albany.
North Carolina.....	Bureau of Labor and Printing.....	Commissioner.....	Raleigh.
North Dakota.....	Department of Agriculture and Labor.	Commissioner.....	Bismarck.
Ohio.....	Bureau of Labor Statistics.....	Commissioner.....	Columbus.
Oklahoma.....	Department of Labor.....	Commissioner.....	Guthrie.
Oregon.....	Bureau of Labor Statistics and In- spection of Factories and Workshops.	Commissioner.....	Salem.
Pennsylvania.....	Bureau of Industrial Statistics.....	Chief.....	Harrisburg.
Philippine Islands.....	Bureau of Labor.....	Director.....	Manila.
Rhode Island.....	Bureau of Industrial Statistics.....	Commissioner.....	Providence.
South Carolina.....	Department of Agriculture, Commerce, and Industries.	Commissioner.....	Columbia.
Texas.....	Bureau of Labor Statistics.....	Commissioner.....	Austin.
Virginia.....	Bureau of Labor and Industrial Sta- tistics.	Commissioner.....	Richmond.
Washington.....	Bureau of Labor.....	Commissioner.....	Olympia.
West Virginia.....	Bureau of Labor.....	Commissioner.....	Wheeling.
Wisconsin.....	Bureau of Labor and Industrial Sta- tistics.	Commissioner.....	Madison.
FOREIGN COUN- TRIES.			
Argentina.....	Departamento Nacional del Trabajo..	Presidente.....	Buenos Aires.
Austria.....	K. K. Arbeitsstatistisches Amt im Handelsministerium.	Vorstand.....	Wien.
Belgium.....	Office du Travail (Ministère de l'In- dustrie et du Travail).	Directeur General.....	Bruxelles.
Canada.....	Department of Labor.....	Minister of Labor.....	Ottawa.
Canada: Ontario..	Bureau of Labor (Department of Public Works).	Secretary.....	Toronto.
Chile.....	Oficina de Estadística del Trabajo....	Jefe.....	Santiago.
Finland.....	Industriistirelsen (a).		Helsingfors.
France.....	Office du Travail (Ministère du Tra- vail et de la Prévoyance Sociale).	Directeur.....	Paris.
Germany.....	Abteilung für Arbeiterstatistik, Kais- erliches Statistisches Amt.	Präsident.....	Berlin.
Great Britain and Ireland.....	Labor Department (Board of Trade)..	Commissioner of La- bor.	London.

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State.	Name of bureau.	Title of chief officer.	Location of bureau.
FOREIGN COUNTRIES—concl'd.			
Italy.....	Ufficio del Lavoro (Ministero di Agricoltura, Industria e Commercio).	Direttore Generale.....	Roma.
Netherlands.....	Centraal Bureau voor de Statistiek (a).	Directeur.....	's-Gravenhage.
New South Wales.....	State Labor Bureau.....	Director of Labor.....	Sydney.
New Zealand.....	Department of Labor.....	Minister of Labor.....	Wellington.
Spain.....	Instituto de Reformas Sociales.....	Secretario General.....	Madrid.
Sweden.....	Afdelning för Arbetsstatistik (Kgl. Kommerskollegii).	Direktör.....	Stockholm.
Switzerland.....	Secrétariat Ouvrier Suisse (semiofficial).	Secrétaire.....	Zürich.
Uruguay.....	Oficina del Trabajo (Ministero de Industrias, Trabajo é Instrucción Pública).		Montevideo.
International.....	International Labor Office.....	Director.....	Basle, Switzerland.

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Employer and employee under the common law, by V. H. Olmsted and S. D. Fessenden.^(a)
- No. 2. The poor colonies of Holland, by J. Howard Gore, Ph. D.^(a)
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- No. 7. Industrial communities: Various communities, by W. F. Willoughby.^(a)
Rates of wages paid under public and private contract, by Ethelbert Stewart.^(a)
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Railway relief departments, by Emory R. Johnson, Ph. D.^(a)
- No. 9. The padrone system and padrone banks, by John Koren.^(a)
The Dutch Society for General Welfare, by J. Howard Gore, Ph. D.^(a)
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Public baths in Europe, by Edward Mussey Hartwell, Ph. D., M. D.
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- No. 14. The Negroes of Farmville, Va.: A social study, by W. E. B. Du Bois, Ph. D.^(a)
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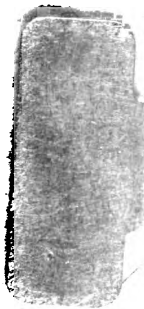
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